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ABSTRACT

This document presents the findings and recommendations of the evaluation of the California Department of the Youth Authority Ward Grievance Procedure (WGP), which is a four-tiered conflict resolution system for wards in California institutions and camps. The information contained in this report was obtained through site visits to five institutions and one camp; interviews with California Department of the Youth Authority officials, staff, and wards at the sites, parole agents and supervisors, and arbitration experts. Additional information came from a mail survey of parolees, review of institution and camp records, and secondary data analysis from the WGP management information system. Section 1 of the report discusses the background and study approach, the history of the WGP, evaluation objectives, the evaluation approach and data collection, and evaluation constraints. Section 2 presents the evaluation findings on 1977-1983 trend analysis, assessment measures (i.e., purpose of the WGP, informal review, ward grievance committee operation, review by arbitrators, emergency grievances, training effectiveness ratings, ward grievance management information system, and parole grievance procedure), and compliance ratings. Section 3 presents specific recommendations in the areas which were assessed. (BL)

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WARD GRIEVANCE PROCEDURE

ANNUAL INDEPENDENT EVALUATION

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EVALUATION OF THE CALIFORNIA YOUTH AUTHORITY WARD GRIEVANCE PROCEDURE

Final Report

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EXECUTIVE SUMMARY

The 1983 Evaluation of the California Department of the Youth Authority (CYA) Ward Grievance Procedure was conducted by EMT Associates, Inc., a Sacramento research and consulting firm. The five-month study was completed in April 1984.

The Ward Grievance Procedure (WGP) is a four-tiered conflict resolution system which was mandated in 1976 for wards in California's institutions and camps. A similar parolee grievance procedure (PGP) is available for parolee complaints. The annual evaluation study is required to assess the WGP in measures of data trends and procedural compliance with the provisions of the mandate (Welfare and Institutions Code Section 1766.5).

The EMT evaluation study included site visits to five institutions and one camp; interviews with officials of CYA, and the institutions, staff and wards at the sites, parole agents and supervisors, and three arbitration experts who perform outside reviews for the WGP; a mail survey with active and former parolees; review of institution and camp documents and records; and, secondary data analysis from the WGP management information system. There were close to 300 participants in the study, plus 200 mail contacts.

FINDINGS

Has the ward grievance procedure alleviated the problems for which it was designed? Has the legislative intent been met? Have statutory and regulatory requirements been achieved? This section addresses those questions by considering four crititical factors affecting the implementation of the grievance procedure: (1) staff and ward familiarity with WGP; (2) staff and ward dispositions toward the WGP; (3) adequacy of implementation resources; and (4) structural arrangements for implementation.

1. The wards and staff emphasized that the purpose of the WGP was to express complaints in a legitimately recognized and expeditious manner. The wards emphasized correcting wrong doings, particularly by staff. The staff emphasized the due process features of the WGP.

2. According to wards, some staff are extremely knowledgeable and helpful regarding wards filing grievances. Other staff are not committed to having the WGP as an effective conflict resolution aide. The quality of assistance and procedural application is comparably poorer for the latter group. Some wards reported disillusionment with the WGP because they get unsatisfactory responses, and they have seen signs of staff reprisal. In their words, "it doesn't do any good to file".

   Conversely, some staff members expressed frustration with ward use of the WGP. Their complaints concerned ward accusations against staff, excessive ward use of the emergency grievance procedure, and the time and personnel required to work within the procedural guidelines. A few staff indicated they thought the WGP was "too sophisticated and complicated" for many wards.

   A comparison of ward and staff ratings for the WGP compliance assessment revealed (1) the majority of all survey respondents rated WGP compliance average to high, and (2) staff and ward perceptions of compliance are distinguishable, with lower ratings by wards on several items of the Code. In a few instances, their group ratings are widely disparate, with wards low and staff high.

   Primarily, wards rate "written safeguards against reprisals" low compared to staff ratings. Staff rated "fairness to wards" and "responsiveness" comparatively high.

3. Resources for the WGP include the representatives of committees, the arbitration experts, the training packages and courses, and the management information system.

   Ward Grievance Committees, are considered to be a fair and reasonable forum for conflict resolution by the staff and ward clerks. The formation and operation of grievance committees differ significantly between institutions and camps. Major differences pertain to the number of committees; size and composition of the committees; selection of committee members; and procedures for conducting the hearings. Members of grievance committees are generally well-prepared for committee hearings.

   As another WGP resource, outside grievance review is conducted by trained arbitration experts. The majority of staff and clerks surveyed indicated the frequency of outside review by arbitration was about right. Of those who felt arbitration was used too infrequently, they were mostly ward clerks. Over two-thirds of the respondents felt outside review was unbiased.

   The arbitrator respondents reported the outside review process to be a good process for wards to learn how to resolve conflicts in a constructive manner, where both parties can agree to a satisfactory solution and/or compromise. Sometimes

the parties meeting in arbitration have not been briefed ahead of time how the hearing will be conducted, and the arbitrator must first explain the process.

The WGP may only be as good as the training and orientation used to educate the users. Overall training was rated by staff and ward clerks as moderately effective or better. Clerk training and on-the-job experience rated most highly as types of training, compared to staff, ward, committee orientations and refresher courses. Many opinions about the refresher training cancelled each other out. What was liked by one individual was disliked by another. There were many creative suggestions from staff regarding ways to improve or renew some aspects of the refresher courses. WGP training enrollment in 1983 was primarily for new ward orientation, followed by the staff referesher courses.

The management information system (MIS) is another important WGP resource. From the institutions come monthly reports which provide the basis for many managment decisions in the Wards Rights Section. The MIS is also a valuable monitoring aide. However, there are some constraints in using the data in its current form. For example, the less formal the level of review the poorer the quality of the written documentation. Thus data about informal review is not as reliable as data for subsequent levels. Incomplete grievance forms and logs contribute substantially to the poorer quality of monthly reports.

The review of the monthly monitoring reports prepared by the Ward Rights Services Section revealed gaps in data; inconsistencies in the reporting of emergency grievances; lack of follow-up data on emergency grievances withdrawn; and lack of data on withdrawn grievances.

4. The structural arrangements of the WGP include the four-tiered process, beginning with the informal level of review. Informal review is widely used to resolve, grievances. This level is a filtering for subsequent levels of the grievance process.

The purpose of using informal review is to give the grievant an opportunity to work out a satisfactory resolution with staff. However, the practice of making denial decisions in informal review leaves the issue of satisfactory resolution open for conjecture. Many denial decisions are not adequately reviewed, are possibly made on subjective bases, and it is not possible to determine whether all denials were warranted. The absence of documentation at the informal level hinders a closer review. Staff have broad discretion in making decisions at this level.

It was not clear from interviews or data review what criteria are applied for determining which issues actually go to informal review and which issues go beyond. Additionally, the

policy of limiting the use of informal review to specified issues is not followed consistently. On the basis of reviewing a sample, grievances involving other than individual issues are inappropriately submitted for informal review.

In addition, the survey of the Parolee Grievance Procedcure (PGP) revealed some interesting findings. The informality of conflict resolution for parolee grievances seems to account for the low incidence of parolee grievances filed. It also may contribute to the uncertainty about whether few grievances is a positive or a negative phenomenon.

Compared with the ward grievance procedure, there is little emphasis on trainings, orientation and/or printed material about the parolee grievance procedure. Training, parolee orientation, and fear of reprisals were the only provisions of the PGP code to get low ratings from parolees surveyed. The majority of 25 parole survey respondents rated the PGP excellent, overall.

RECOMMENDATIONS

The recommendations were developed from all data sources included in the study. There were many suggestions presented by interviewees which have been included in the list. Staff, wards, administrators, CYA officials, parole officials, arbitrators, and EMT Associates are collectively responsible for the recommendations.

Informal Review

The informal review permits almost immediate response to individual grievances. Although most individual matters can be handled satisfactorily at the informal level, much of the decision making is subjective. Therefore, it is recommended that:

1. CYA develop specific criteria for determining grievance issues which are subject to informal review.

2. CYA develop a minimum set of procedural guidelines for informal review.

3. Institutions and camps include mediation and conflict resolution skills development in WGP training for staff and grievance clerks, to be applied with the informal review of grievances.

4. Institutions and camps consider using a dorm Grievance Mediator (DeWitt Nelson Model) for conducting informal reviews.

5. CYA include a detailed analysis of grievances denied in informal review for the next evaluation of the ward grievance procedure.

Ward Grievance Committee Operations

The Ward Grievance Committee Operations were rated positively by survey respondents. It is recommended that:

1. CYA commend ward and staff committee members for their excellent performance.

2. CYA continue its program for training committee members, with added emphasis on the training of ward members.

3. Future evaluations of the ward grievance procedure attempt to identify any relationship between features of grievance committee operations (e.g. composition, selection of members) and grievance resolution outcomes (e.g. number of denials).

Outside Review by Arbitrators

Parties going to outside review are not briefed consistently regarding the arbitration process. Thus, it is recommended that:

1. Each institution should fulfill the responsibility of briefing parties about to go to outside arbitration.

Emergency Grievances

It is not clear how emergency grievances are denied. Therefore, it is recommended that:

1. CYA perform a follow-up study of emergency grievances which are denied.

Training Effectiveness

Training is the panacea noted for nearly all WGP shortcomings. Therefore, it is recommended that training be enhanced in the following areas:

1. Given institutional variations on implementation of the WGP, a brief orientation covering institution practices would be an asset to staff training.

2. CYA should periodically remind institutions when the refresher course is due for staff.

3. Include in the refresher training and WGP training for new staff and wards, a component on conflict resolution and mediation skills.

Ward Grievance Management Information System (MIS)

The MIS has tremendous potential as a management and assessment tool for CYA and individual institutions and camps. Although the data collection forms and procedures are in place, there are apparent refinement needs. The following recommendations are that:

1. The grievance coordinator from each institution and camp be responsible for reviewing the filing system for grievances and make appropriate changes to ensure its organization and maintenance is in accordance with accepted standards for office management.

2. The coordinator or a representative from CYA provide specialized training to master the procedures for entering information in grievance logs and maintaining the logs.

3. Ward Rights Services Section staff consider reviewing grievance forms currently used (with the cooperation of institutional staff), to develop forms and procedures which serve the interests of CYA and the institutional management, staff, and wards.

4. CYA review the reporting requirements and practices for the monthly monitoring reports and specify day-to-day operational information needs.

Parolee Grievance Procedure

Parolees and their parole officers are not well-informed about the PGP. It is recommended that:

1. CYA address the parole grievance procedure in staff training.

2. CYA develop a grievance procedure orientation for parolees.

Compliance with WGP Provisions

The WGP compliance measure is a requirement of each evaluaton study. Thus it is recommended that:

1. CYA use the EMT survey for WGP compliance as a baseline for future assessments.

These recommendations represent a comprehensive collection of data and innovative ideas. They are based on findings from the 1983 evaluation survey and from input provided by survey respondents, CYA officials, and other consultants. The recommendations are presented for CYA consideration.

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SECTION I

BACKGROUND AND STUDY APPROACH

The California Department of the Youth Authority (CYA) issued a request for proposals on August 29, 1983 for an evaluation of the Ward Grievance Procedure (WGP) which was formally established by the California Legislature in 1976 (Welfare and Institutions Code Section 1766.5). The enabling legislation requires that CYA conduct an annual evaluation to determine whether the statutory requirements for the procedure are being met by institutions, camps, and paroling authorities under CYA's jurisdiction. EMT Associates, Inc. (EMT) submitted the winning proposal for the 1983 evaluation. Standard Agreement No. 267 between CYA and EMT was approved by the Department of General Services on November 23, 1983. EMT commenced work on the project December 9, 1983. In accordance with the legislative intent, EMT's evaluation report will be presented to CYA, the Legislature, the Attorney General, and the State Public Defender.

The statutory requirement for an annual evaluation of the WGP has been met every year since the inception of the provisions until 1982 when budgetary constraints prohibited the evaluation contract. EMT's evaluation for 1983 will restore the evaluation requirement and return CYA to complete compliance with that provision of the Code.

1.1 HISTORY OF THE WARD GRIEVANCE PROCEDURE

The Ward Grievance Procedure applies to approximately 5,800 wards in CYA's ten institutions and six camps and to 6,000 persons on parole. The procedure is principally based on a model developed at the Karl Holton School in Stockton in 1973. The grievance procedure developed at Karl Holton was based on three principles:

1. Wards are expected to actively help settle disputes;
2. Wards and staff have to work together to resolve disputes; and
3. When unable to agree, both sides must have access to an independent third party for arbitration.

These principles were reflected in the four tier system that was set up to resolve disputes in a fair, simple, and expeditious manner. The grievant and staff were encouraged to resolve the complaint informally. The first level of review was informal. If the grievant was not satisfied with the outcome of the informal review, he could appeal to the first formal level of review, the Ward Grievance Committee. The second and third levels of formal review were, appeal to the superintendent and appeal to outside review by an arbitration specialist.

The procedure in place at Karl Holton School was designated as an Exemplary Program under an initiative of the National Institute of Law Enforcement and Criminal Justice (NILECJ) of the Law Enforcement Assistance Administration (LEAA). The procedure was recognized nationally and characterized as a model for other states to follow.

Based on the favorable reception of the procedure at the Karl Holton School, the California Youth Authority decided in 1974 to institute similar procedures for grievance resolution throughout all institutions and camps. By the end of 1975, the grievance procedure was instituted system-wide. In 1976, similar procedures for resolving the grievances of parolees were instituted in CYA's parole offices statewide.

To guarantee the continuation of the basic principles of the grievance procedure in CYA institutions, camps, reception centers, and parole offices, Assemblyman Torres introduced AB4099 which was signed by the Governor on September 2, 1976. This bill marked the official commitment by the State to implement the Ward Grievance Procedure.

1.2 EVALUATION OBJECTIVES

The major objectives of the 1983 evaluation of the Ward Grievance Procedure were:

1. To continue and update the quantitative and qualitative data collection and analysis of previous annual evaluations of the WGP;

2. To identify and analyze patterns and trends in the utilization and outcomes of the WGP;

3. To identify and analyze operational problems in the implementation of the WGP;

4. To determine the extent to which wards and staff perceive the WGP to be in compliance with Code requirements;

5. To identify areas where compliance is not being achieved;

6. To develop recommendations to guide CYA in the management of the WGP.

1.3 OVERVIEW OF EVALUATION APPROACH AND DATA COLLECTION

This overview of the study design and major data sources outlines the scope and nature of the data base for study findings and recommendations. A complete set of the data collection tools, such as questionnaires and interview schedules, is included in Appendix A.

EMT's research followed closely the work plan of the study proposal.

EMT's project coordination with the CYA consisted of:

- regular exchanges regarding the study approach and development of data collection procedures;
- progress reporting on a regular basis, written monthly reports; and
- evaluation and review of primary data collection tools utilized in the study.

1.3.1 Survey Population

The evaluation study employed individual and group interviews to obtain a wide cross-section of opinion and perception. Accordingly, EMT conducted interviews and discussions with 257 staff and ward representatives of five institutions and one camp; staff of two paroling agencies; officials of the CYA Wards Rights Section; and arbitration hearing representatives of the American Arbitration Association. The individual interviews were completed in a structured questionnaire and group interviews were conducted in a structured discussion format. Table 1 presents an overview of activities accomplished at each of the study sites.

The participant sites and organizations are listed below:

- The Northern California Reception Center. A preliminary site visit orientation was conducted prior to developing questionnaires and scheduling itineraries for the study site visits.

- Five CYA institutions and one camp. The institutions and camp were selected for the study by CYA. A rotational selection procedure was used to select six facilities since study resources did not permit a survey of all facilitites at the same time. The evaluation for 1983 included the following facilities:

  - O.H. Close School
  - DeWitt Nelson Training School
  - Southern Reception Center-Clinic
  - Fred C. Nelles School
  - Preston School of Industry
  - Fenner Canyon Youth Conservation Camp

- CYA parole offices. EMT staff interviewed the supervising parole officers and two parole agents of the Oakland and Sacramento parole offices.

TABLE 1

OVERVIEW OF SURVEY ACTIVITIES

	SRCC	Fenner Canyon Camp	Preston	O.H. Close	DeWitt Nelson	Fred C. Nelles	TOTAL STUDY PARTICIPANTS
Date of Site Visit	1/18 - 1/19	1/19 - 1/20	1/26; 2/2	2/9; 2/23	2/16; 2/23	1/30 - 1/31	-
# Team Members	2	1	2	2	2	1	-
Individual Interviews Completed	20	14	24	24	24	22	128
• Staff	8	6	10	10	10	9	53
• Wards	12	8	14	14	14	13	75
Group Interviews Completed*	15	15	15	15	15	15	90
• Staff	7	8	7	8	7	8	45
• Wards	8	7	8	7	8	7	45
Self-Administered Questionnaires (Wards only)	25	16	23	24	24	25	137
TOTAL STUDY PARTICIPANTS	60	45	62	63	63	62	355
• Staff	15	14	17	18	17	17	98
• Wards	45	31	45	45	46	45	257

* There were three groups for each institution, with up to 5 people per group. One group was all staff, one was all wards, and one was mixed staff and wards. The figures shown are estimates based on a 50-50 split for ward and staff representation.

- CYA's Wards Rights Section. EMT staff conducted interviews with three Wards Rights Section Staff and one former section staff member.

- American Arbitration Association. Telephone interviews were conducted with three arbitrators who had participated in WGP arbitration proceedings during the past twelve months.

At each institution/camp EMT scheduled structured interviews with:

- The Superintendent
- The Ward Grievance Coordinator
- Two living-unit program managers
- Four living-unit line staff
- Four grievance clerks
- Two wards who had served on grievance committees
- Two staff who had served on grievance committees
- Four wards who had filed grievances
- Four wards who had not filed grievances

Group interviews were also completed for 10 to 15 wards and staff participants in separate and mixed small groups. For the six sites there were 90 participants in the group interviews.

At each CYA institution/camp included in the survey, an anonymous self-administered questionnaire was completed by up to 25 randomly selected wards. There were 137 returned questionnaires.

A written questionnaire was mailed to 200 randomly selected active parolees and former parolees. A total of 15 active parolees and 10 former parolees returned completed questionnaires. The return rate was considerably lower than expected; this will be discussed in a subsequent section.

1.3.2 Observation of Grievance Committee Hearings

EMT staff observed two Grievance Committee hearings at institutions where a hearing was scheduled during the visit. One mock hearing was also conducted to demonstrate how a hearing might proceed at a third site. These provided the evaluation team with a better understanding of Committee operations and proceedings.

1.3.3 Documentary Sources Reviewed

EMT reviewed numerous documents related to the Ward Grievance Procedure to augment the interviews, questionnaires, and the information derived from observing grievance committee hearings. The documents included:

- Previous evaluation studies;
- 1980 Task Force Report;
- Statutory and regulatory provisions;
- Institutions and Camps Policy Manuals;
- Policy manuals of institutions/camps;
- Monitoring reports prepared by the Wards Rights Services Section of CYA;
- Grievance Digest;
- Training materials;
- Ten randomly selected grievances per site; and
- Grievance logs.

These documents were used to refine the study approach, design data collection forms and review bookkeeping and reporting procedures.

1.3.4 Management Information System (MIS)

EMT utilized data generated by CYA's MIS to identify trends in the utilization of the WGP. The trends analysis presents a continuation of previous evaluation study trends analyses. The MIS has undergone a modification of its data collection and organization procedure since the last evaluation. The current analysis takes these changes into account.

1.4 EVALUATION CONSTRAINTS

Conclusions based on the findings of this study are by definition limited to the time periods and sampling frames used, and the existing organizational and human relations variables. EMT designed this evaluation to maximize the value of all findings by minimizing the operational limitations and constraints. For example, multiple data sources and varied data collection methods were used to enhance accuracy, completeness, and the relevance of findings. Nevertheless, some of the known limitations of the evaluation included:

- The five institutions and one camp included in the study were chosen according to the CYA practice of selecting by rotation. Consequently, this limitation should be considered for any generalizations derived from this sample and applied to all CYA institutions and camps and their populations (wards and staff).

  As Table 2 shows, the total sample is representative of CYA wards demographically and by offenses. The study sample was derived from institutions representing 43% of CYA's ward population.

TABLE 2

Characteristics of Study Sites and CYA Population*

	SRCC		Penner Canyon Camp		Preston		O.H. Close		DeWitt Nelson		Fred C. Nelles		Study Site TOTAL		CYA Population TOTAL		Study Sites Total CYA Total
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	%
Current Population TOTAL	296	12.7	112	4.8	562	24.2	398	17.1	403	17.3	554	23.9	2,325	100.0	5,459	100.0	42.3
Average Length of Stay, Months (1982)	NA		11.6	(all camps)	17.2		12.9		13.7		15.0		NA		14.2		NA
Average Age (mean years)	18.5		19.1		19.4		16.6		19.3		17.2		NA		18.7		NA
Offense Categories, 1983 Admissions																	
• Homicide	15	5.1	5	4.5	56	10.0	35	8.8	37	9.2	63	11.4	211	9.1	499	9.1	42.3
• Robbery	74	25.0	38	33.9	123	21.9	68	17.1	91	22.4	152	27.3	546	23.5	1,242	22.8	44.0
• Assault	43	14.5	13	11.7	96	17.1	63	15.8	68	16.9	91	16.4	374	16.1	895	16.4	41.8
• Burglary	75	25.3	29	25.9	122	21.7	103	25.9	86	21.4	100	18.2	515	22.2	1,226	22.4	42.0
• Theft	18	6.1	9	8.0	46	8.2	28	7.0	44	10.9	31	5.6	176	7.6	441	8.1	39.9
• Auto Theft	18	6.1	9	8.0	35	6.2	27	6.8	26	6.5	26	4.7	141	6.1	327	6.0	43.1
• Other felonies & misdemeanors	53	17.9	9	8.0	84	14.9	74	18.6	51	12.7	91	16.4	365	15.7	829	15.2	44.0
• Total Offenses	296	100.0	112	100.0	562	100.0	398	100.0	403	100.0	554	100.0	2,325	100.0	5,459	100.0	
Race, Ethnicity																	
• White	63	21.3	19	17.0	176	31.3	133	33.4	107	26.6	53	9.6	551	23.7	1,462	26.8	37.7
• Black	123	41.6	48	42.8	193	34.3	158	39.7	175	43.5	257	46.4	954	41.0	2,123	38.9	44.9
• Hispanic	101	34.1	41	36.6	178	31.7	92	23.1	112	27.8	238	42.9	762	32.8	1,744	31.9	43.0
• Asian	3	1.0	-	-	2	.4	2	.5	3	.7	2	.4	12	.5	25	.5	48.0
• All Others	6	2.0	4	3.6	13	2.3	13	3.1	6	1.4	4	.7	46	2.0	105	1.9	43.8
• Total	296	100.0	112	100.0	562	100.0	398	100.0	403	100.0	554	100.0	2,325	100.0	5,459	100.0	

* Based on data provided by the California Youth Authority as of December 31, 1983.

- The trend and utilization analysis for 1983 relied on data generated by CYA's management information system for the period from July to December 1983, since the revised MIS was not operative during the first half of 1983. Where noted, the 1983 totals were projected for the entire calendar year.

- The interview survey of parole officers included two parole offices with three interviews per office. The purpose of this survey was to obtain a quick overview.

- The research results represent a "snapshot" of perceptions and attitudes at one point in time. Multiple surveys conducted at other times of the year might reflect a more comprehensive overview of collective perceptions.

- Using self-administered questionnaires was complicated by the poor reading ability of some wards, and the language barrier of non-English speaking wards. Although wards assisted one another to compensate for each of these limitations, future evaluation teams should carefully consider multiple means of generating self-report data from the wards. Spanish translations of field instruments could facilitate data collection from Hispanic wards.

- Group attitudes and behavior often differ sharply from the individuals' since a group is more than the sum of the individuals in it.

Although the evaluation team was aware of these constraints, active measures were taken to maximize the quality and value of data collected. In order to enhance the quality of the data the study approach included multiple data sources and quality control standards; past studies were used to facilitate instrument development and perform comparative data analysis; and all research tasks and data collection instruments were subject to ongoing review and modification, as resources permitted. EMT consultants, CYA officials and designated experts contributed input throughout the study.

SECTION 2

EVALUATION FINDINGS

The 1983 evaluation of the Ward Grievance Procedure is based on a broad cross-section of multiple and overlapping data sources. The results are organized and presented in (1) the trends analysis, and (2) the assessment measures sections. The trends are presented as a continuation of previous evaluation reports. The assessment measures represent the major thrust of the 1983 evaluation.

2.1 INTRODUCTION

Has the ward grievance procedure alleviated the problems for which it was designed? Has the legislative intent been met? Have statutory and regulatory requirements been achieved? This section addresses those questions by considering four critical factors affecting the implementation of the grievance procedure: (1) staff and ward familiarity with WGP; (2) staff and ward dispositions toward the WGP; (3) adequacy of implementation resources; and (4) structural arrangements for implementation.

Each of these factors deserves a brief introduction.[1]

Staff and Ward Familiarity The effective implementation of the WGP requires that those who are responsible for implementing the procedure know what they are supposed to do. The purpose of the WGP, the filing and processing requirements, standards, appeal proceedings, must be clearly understood by management, line staff, grievance clerks, wards, and arbitrators. If they are not, the key participants in the WGP will be confused about what they are expected to do, and they will be inclined to impose subjective views and approaches. This may lead to deviations from established policy, as well as return to arbitrary and capricious policy implementation.

Staff and Ward Dispositions In addition to adequate personal and informational resources, staff and wards must have the intent and commitment to carry it out. If staff and wards are well-disposed toward the WGP, they are more likely to carry it out in accordance with statutory and regulatory requirements. But when they are negatively disposed toward the procedure, implementation suffers.

Staff members exercise considerable individual discretion, especially at the level of informal resolution. The way in which a staff member exercises this discretion depends in large part upon his/her disposition toward the WGP. When staff disagrees with the WGP or a particular element of it, they may exercise their discretion to hinder implementation. Furthermore, they may not be aware of the connection between that disposition and their behavior; justification for the behavior may represent fairness in their opinion, particularly if they perceive an element of unfairness to staff.

A similar argument applies to wards. If wards have a negative attitude toward the WGP, their willingness to cooperate and participate in grievance resolution efforts in keeping with the statutory requirements may be effected. This may result in reluctance to engage in informal resolution, frivolous filings, or unwarranted emergency grievance filings.

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1. George C. Edwards III. Implementing Public Policy, Washington, D.C.: Congressional Quarterly Press, 1980.

Adequacy of Implementation Resources The effective implementation of the WGP is dependent upon the availability of resources. Important resource requirements include staff time, the availability of relevant and adequate information on the utilization of and compliance with the WGP, and expertise of program participants. To ensure the accomplishment of the purpose of the WGP, staff must be trained in the reasons for having a CYA policy and knowing the procedures for conflict resolution in institutional settings. Insufficient resources could diminish efficiency and effectiveness in resolving disputes in CYA's institutions and camps. Staff and wards responsible for implementing the WGP must know what to do and have the resources to do it.

Structural Arrangements Each institution and camp has developed its own unique approach to implementing the WGP within the system-wide statutory and regulatory framework. As a result, there are significant institutional differences regarding the operation of grievance committees, informal resolution, and performance standards. Some arrangements may be more effective than others in achieving the objectives of the WGP. Although there are good reasons for granting a degree of autonomy to institutions regarding implementation of the WGP, excessive institutional discretion can result in deviations from established policy, and in discrepancies in performance reporting.

The analysis of these factors is based on a broad cross-section of multiple and overlapping data sources. The findings and analysis are organized and presented in (1) the trends analysis, and (2) the assessment measures sections. The subject areas of the assessment measures include: purpose of the WGP; informal review; grievance committee operations; outside review by arbitrators; emergency grievances; training program effectiveness; ward grievance management information system; parole grievance procedure; and code compliance.

2.2 TRENDS ANALYSIS, 1977-1983

In the process of implementing a Ward Grievance Procedure in the mid-1970's, CYA established a regularly scheduled reporting procedure for the institutions and camps to follow. The monthly statistical reports provided CYA with a substantial data base for monitoring the grievance procedure. The monthly reports and a running 12-month total on each monthly printout presented a useful and valuable management tool for CYA. It also permitted the institutions to gauge their grievance activities, determine where special attention may be warranted, and chart trends.

In early 1983, CYA was in the process of modifying the standardized management information system (MIS). Forms and procedures were modified slightly, resulting in a monthly printout designed to facilitate management, and to streamline the reporting requirements from the institutions and camps. Specifically, detailed breakdowns of statistics by individual living units will no longer be reported to CYA. Reporting will continue to include grand totals in major categories for the number of grievances filed, types of grievances, the number of emergencies handled and denied, response time, trainings, and grievances resolved by level of final review.

The data for the revised system and format became available in July 1983. Thus, the trends analysis for calendar year 1983 is based on total figures projected from a six month reporting period (July through December). All data for the EMT analysis was derived directly from MIS printouts for 1977 through 1983, rather than from any

combination of previous evaluations and recent printouts. This method was used to assure consistency based on using trends data from a comparable source. The reader should be aware that the trends analysis is based on both longitudinal and fixed-time data. Therefore the data is not optimally comparable.

Grievances are categorized by the subject of the grievance filed. Issues concerning the grievant, his needs or wants, individual privileges, requests, or other personal matters are named "individual" grievances. When the grievant is filing a complaint against the actions of a particular institutional staff member, it is a "staff action" grievance. For issues which concern more than a single ward, which have policy level implications, the grievance is in the "departmental or institutional policy" category. Emergency grievances are another category which is distinguished from regular filings because it is a procedure designed to resolve the grievance within 24 hours, compared to seven days for the regular grievance procedure. Certain criteria must be met before a grievance is processed as an emergency, not the least of which is that a response within 24 hours is demonstrably crucial.

FINDING 1: Since 1977 the annual filing rates by grievance category have been relatively consistent. There has been little variation from the cumulative rate and trends for seven years.

Table 3 is the presentation of the annual total for grievances filed by type since 1977. The percentage columns indicate the proportion of grievances by category over the last seven years.[2] Altogether, in the years 1977 through 1982 there were over 56,000 grievances filed. This represents an average of about 10,000 per year for these years. However, while filings have increased with every year, the annual percentage increase has been inconsistent. The population of CYA was also increasing between 1977 and 1981, with a very slight decrease (less than 1% from 1981) for 1982.

> **FINDING 2:** Since 1977, 50-60% of all ward grievances were in the "individual" category. Another 15-20% were filed regarding staff action, and 15-20% concerned institutional or departmental policy.

Consistently the individual category accounts for the majority of all grievances filed. Between half and two-thirds of the grievances were individual grievances; since 1977 the cumulative percentage was 59% for individual grievances. Policy-related grievances accounted for 13-19% of all grievances filed in any year since 1976. For the entire period 1977-1983, policy issues accounted for 15% of those filed. Grievances filed regarding staff ranged from 10 to 21%, a wide variation for this rate. Still, on the whole staff grievances

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2. The year 1977 was selected as a base year because (1) it was the first operational year after initial WGP implementation statewide for which start-up idiosyncracies were largely past; (2) it permitted a five-year analysis of change using the same reporting procedures (through 1982); and (3) the 1983 data projections could be viewed in a 5-year historical context.

TABLE 3

Subject Area of Ward Grievances Filed 1977-19

	Individual		Policy		Action of Staff		Peer Problem		Equipment		Other		All Other**		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1977	4,087	59.3	899	13.2	1,149	16.6	200	2.9	375	5.4	183	2.6	758	10.9	6,893	100.0
1978	4,793	53.8	1,242	14.0	1,876	21.1	264	2.9	571	6.4	164	1.8	999	11.1	8,910	100.0
1979	5,284	49.2	2,007	18.7	2,244	20.9	258	2.3	755	7.0	213	1.8	1,226	11.2	10,761	100.0
1980	5,761	57.0	1,478	14.7	1,921	19.0	219	2.1	492	4.8	249	2.4	960	9.3	10,130	100.0
1981	5,926	60.8	1,426	14.7	1,547	15.9	196	2.0	446	4.5	211	2.1	855	8.6	9,754	100.0
1982	6,270	63.4	1,844	18.8	986	10.0	188	1.8	474	4.7	137	1.3	799	8.1	9,899	100.0
TOTAL 1977-82	32,121	57.1	8,896	15.8	9,723	17.3	1,327	2.3	3,113	5.5	1,157	2.0			56,337	100.0
1983	8,016	66.4	1,558	12.9	1,870	15.3							652	5.4	12,096	100.0
TOTAL	40,137	58.9	10,454	15.2	11,593	16.9							6,249	9.1	68,433	100.0

* Data derived from printouts from 1977 through 1982 calendar years and from August-December 1983; these printouts were loaned to EMT Associates, Inc. for the contract period.

** Category modifications in 1983 account for the summary category "Other". Peer Problems, Equipment, and Other for 1977-1982 were consolidated for the cumulative Total Other.

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accounted for about 17% of all grievances filed during 1977-1983.

The relative actions for each type of grievance have remained relatively consistent: 59% of the grievances filed were in the individual category; 17% regarding staff action; 15% regarding some institutional or departmental policy; and 9% regarding other miscellaneous matters. Any future year may be compared to the base to identify deviations from a trend developed over seven years.

> **FINDING** 3: Between 1977 and 1982 total grievances filed increased from 6,893 to 9,899, or 44%. By 1983, EMT projected the cumulative total would increase again to 12,096 (75%).

The percentage of annual change by category of grievance is presented in Table 4. In the total column there were increases of 29 and 21% for the first two periods, followed by small decreases of no more than 6% through 1982. The projected rate for 1983 is a 22% increase between 1982 and 1983. [3] From the projection, grievances concerning staff actions had increased considerably (89%) from the previous year. Because 1982 represents the last complete year for uniform data reporting, the annual percentage changes will be summarized through that year. An overview of annual changes between 1977 and

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3. An increase of this magnitude may be attributed to reporting factors. The total 1983 projection is about 7% higher than the grand total reported by CYA; the projections were applied to the types of grievances because accurate reports were unavailable. It would be judicious to refrain from drawing conclusions from the 1983 figures. Rather, data from 1984 and the following years will provide a sounder basis for comparative analysis and decision making.

TABLE 4

Percent Annual Change in Grievances Filed By Subject Area, 1977-1983*

	Individual	Policy	Actions of Staff	Peer Problems	Equipment	Other	All Other**	TOTAL
1977 Base Year	4,087	899	1,149	200	375	183	758	6,893
	--	--	--	--	--	--	--	--
1978	4,793	1,242	1,876	264	571	164	999	8,910
% Change	+17.3	+38.2	+63.3	+32.0	+52.3	-10.4	+31.8	+29.3
1979	5,284	2,007	2,244	258	755	213	1,226	10,761
%Change	+10.2	+61.6	+19.6	-2.3	+32.2	+29.9	+22.7	+20.8
1980	5,761	1,478	1,921	219	492	249	960	10,120
% Change	+9.0	-26.4	-14.4	-15.1	-34.8	+16.9	-21.7	-5.9
1981	5,926	1,426	1,547	198	446	211	855	9,754
% Change	+2.9	-3.5	-19.5	-9.6	-9.3	-15.3	-10.9	-3.6
1982	6,270	1,844	986	188	474	137	799	9,899
% Change	+5.8	+29.3	-36.3	-5.0	+6.3	-35.1	-6.5	+1.5
1983*	8,016	1,558	1,870				652	12,096
% Change	+27.8	-15.5	+89.7				-18.4	+22.2
1977-1982 Cumulative Increase/Decrease	2,183	945	-163	-12	99	-46	41	3,006
% Change	+53.4	+105.1	-14.2	-6.0	+26.4	-25.1	+5.4	+43.6
1977-1983 Cumulative Increase/Decrease	3,929	659	721				-106	5,203
% Change	+96.1	+73.3	+62.8				-14.0	+75.5

* 1983 figures are projected using data reported for six months of 1983; the reporting and analysis was undergoing modification for the balance of the calendar year.

** Category modifications in 1983 account for the summary category "Other". Peer Problems, Equipment, and Other for 1977-1982 were consolidated for the cumulative Total Other.

1982 reveals relatively large variations from year to year. Under "Equipment", the grievances increased by over 50%, then 32%, followed by a sharp 35% decline in the third year. Policy grievances filed increased by 62% between 1977 and 1978. Grievances filed because of staff actions have fluctuated dramatically. Between 1977 and 1978, that category increased by 63%; while between 1981 and 1982 it increased by 36%. Clearly some categories have varied considerably. Therefore, it is difficult to say if 1983 projections represent yet another wide variation or are simply attributable to the error potential in using projections based on half of the calendar year.

The percentage of annual change may reflect trends in institutional or departmental policy and procedures. When the rate of grievances from a single category changes erratically, CYA may be aware of circumstances which account for the large variation. Adjusting for circumstances, it would be possible to gauge the trends by calculating annual percentage change over time.

FINDING 4: Altogether 98% or more of all grievances are filed from institutions, compared to camps and parole.

Since its inception the Ward Grievance Procedure has been used predominantly in institutions compared to camps and rarely by parolees. The data in Table 5 demonstrates that this trend has continued through 1982. From year to year the proportionate share of grievances filed has been consistently 98-99% from institutions with 1% or less from camps and from parole offices. The parolee survey findings corroborate these observations.

It seems reasonable that institutionalized wards would have far more interest in filing written complaints due to: (1) the stricter confinement of their environment; (2) the longer and more restricted terms of their confinement; (3) the close proximity to other wards and staff creating group and interpersonal conflicts; (4) the higher ratio of staff to wards which creates a stricter environment of discipline; and (5) the requirement for more structure, guidance, and procedures, in general, for larger and potentially more volatile populations living in closed quarters. This is consistent with the intent of the legislation, to establish procedures for fair and structured conflict resolution. Institutions stand to gain or lose the most from a Ward Grievance Procedure.

Camps reportedly handle far more conflicts at an informal (and undocumented) level. This is an area which requires close monitoring to assure the low numbers do not disguise abuses of ward rights. Frequent unscheduled monitoring for camps is particularly important to establish and maintain accountability as it pertains to ward rights and conflict resolution.

TABLE 5

Number of Grievances Filed Reported by All Institution Camps, and Parole Offices and Percent Annual Change, 1977-

	1977	1978	1979	1980	1981	1982	Cumulative Total**
Total	6,863	8,923	10,490	10,120	9,747	9,848	55,991
% Annual Change		+30.0	+17.6	-3.5	-3.7	+1.0	
Institutions	6,726	8,785	10,373	10,024	9,625	9,777	55,310
% Annual Change		+30.6	+18.1	-3.4	-3.9	+1.6	
Camps	111	129	114	96	122	71	643
% Annual Change		+16.2	-8.6	-15.8	+27.1	-41.8	
Parole	26	9	3	-	-	-	38
% Annual Change		-65.4	-66.7				

* Data derived from print-outs provided by CYA, the WGP management information system.

** The table does not include figures for 1975 and 1976. In 1975 CYA reported 5,116 grievances and in 1976 the total increased dramatically to 9,218, by 78.4%. The year 1977 was selected as the base year for this table because: (1) that was the first full operational year for the systemwide implementation; and (2) 1977 appears to be the first stable year in the previous trends analyses.

FINDING 5: Statewide, grievances increased annually through 1979 when 10,515 were filed. From 1980 the number gradually decreased to about 9,900 in 1982. The grand total for 1983 was over 11,000 which marks a new upward trend.

The total annual changes presented in Table 6 indicate the number of complaints in institutions increased during each of the early years. The volume of grievances filed overall has stablized since 1979 at about 10,000. In 1982 for camps, there were increases and decreases between 1977 and 1982. Still, it appears as though the trend for the 1980's is that camps are reporting few grievances filed. The number of filings for Parole/Space has steadily declined since 1977 when it was 56, and ceased altogether in 1980. The procedure remains available for parolee grievance filing, although very few filings have been reported since 1979. It is uncertain whether this indicates parolees have no complaints or they do not file for other reasons.

The 1983 version of the Management Information System (MIS) provides a six month overview of general WGP information. The six sites studied were compared to the state totals for selected categories of information. In Table 7 a monitoring overview presents grievances filed by type; emergencies filed, handled, and denied; time limits exceeded; and training imparted.

FINDING 6: The 1983 study sites were similar to the state concerning types of grievances filed. The vast majority (60% or more) were individual grievances. Fewer than 20% were filed on account of staff action, the second ranking category.

TABLE 6

TOTAL GRIEVANCES FILED, AS REPORTED TO CYA

	1977	1978	1979	1980	1981	1982	TOTAL
SRCC	587	1,098	874	953	1,282	1,138	5,932
Fenner Canyon	—	—	—	—	—	—	—
Preston	824	1,441	1,727	1,468	1,438	986	7,884
O.H. Close	331	394	288	389	243	305	1,950
DeWitt Nelson	232	447	485	471	625	308	2,568
Fred C. Nelles	805	833	1,245	1,567	1,061	850	6,361
SUBTOTAL	2,779	4,213	4,619	4,848	4,649	3,587	24,695
NRCC	498	628	614	813	908	1,226	4,687
Holton	690	778	648	712	602	799	4,229
Paso	842	863	403	334	461	613	3,516
Ventura	1,065	1,401	2,189	1,112	1,053	1,353	8,173
YTS	852	902	1,900	2,205	1,952	2,199	10,010
Camps	111	129	114	96	122	100	672
Parole/Space	56	30	28	—	60	19	137
TOTAL	6,893	8,944	10,515	10,120	9,807	9,896	56,119

TABLE 7

Monitoring Overview for Study Sites and State Based on Mis Data for July-December , 1983

	SRCC %	Fenner Canyon %	Preston %	Fred C. Nelles %	DeWitt Nelson %	O.H. Close %	State %
Grievance Types:	100.0 (n=586)	100.0 (n=6)	100.0 (n=501)	100.0 (n=811)	100.0 (n=313)	100.0 (n=300	100.0 (n=6,048)
Individual	60.6	66.7	67.6	64.5	75.0	84.7	66.2
Hall Policy	5.7	--	12.8	8.5	1.0	5.6	7.0
Inst/Dept	9.0	33.3	3.8	8.1	7.7	2.0	5.9
Staff Action	17.7	--	14.4	11.2	16.3	7.7	15.5
Other	7.0	--	1.4	7.7	--	--	5.4
Emergencies	100.0 (n=177)	100.0 (n=3)	100.0 (n=339)	100.0 (n=744)	100.0 (n=227)	100.0 (n=133)	100.0 (n=3,019)
Handled	41.2	66.7	27.1	46.6	53.7	52.6	48.0
Denied	58.8	33.3	72.9	53.4	46.3	47.4	52.0
Time Limits Exceeded	100.0 (n=65)	100.0 (n=0)	100.0 (n=4)	100.0 (n=43)	100.0 (n=14)	100.0 (n=39)	100.0 (n=566)
Informal Review	60.0	--	--	25.5	64.3	79.5	56.2
Griev. Committee	20.0	--	100.0	14.0	28.6	2.6	26.7
TTS/Prog. Adm.	--	--	--	14.0	7.1	17.9	8.5
Supt/Director	18.5	--	--	46.5	--	--	8.5
Independent Review	1.5	--	--	--	--	--	.2
Training	100.0 (n=1,386)	100.0 (n=7)	100.0 (n=637)	100.0 (n=388)	100.0 (n=60)	100.0 (n=326)	100.0 (n=5,070)
New Employee Orientation	.1	28.6	2.4	12.1	--	.7	3.6
Staff Refresher	3.1	--	58.9	--	23.3	24.2	14.1
New Clerk Training	--	--	1.9	5.4	33.3	2.1	3.9
New Ward Orientation	91.7	71.4	30.6	77.2	--	62.0	73.2
Griev. Committee Training	4.9	--	4.2	5.3	36.7	7.0	4.1
Independent Review	.2	--	2.0	--	6.7	1.9	.7
Other	--	--	--	--	--	2.1	.2

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Most grievances filed concerned individual matters. Statewide about 66% of all grievances are of this category. The sites studied were similar to this percentage or higher, up to 85% for O.H. Close. Complaints about staff action accounted for the second highest percentage of grievances statewide (16%), and for each of the institutional sites.

FINDING 7: Slightly more than half of all emergency grievances are denied.

At the state level about half of all emergency grievances filed are handled (48%) and half (52%) are denied.[4] Only Preston departs from this trend dramatically. At Preston about 73% of all emergency grievances are denied, compared to between 53% and 59% for the other institutions. (Because Fenner Canyon Camp only reported three emergencies, the percentages were not included in this analysis).

FINDING 8: Statewide about 5% of the grievances in 1983 exceeded time limits, mostly at the informal review level.

Time limits are exceeded in less than 10% of the filings statewide. This does not seem to be a key problem area at the selected institutions either, ranging from none to 13% of grievances filed. However, based on site visit observations and review of a random selection of grievances filed, time limit reporting is probably unknown and/or excesses are underestimated.

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4. It would be useful to also know how many were refiled as regular grievances; this may clarify what is meant by "handled" and "denied".

FINDING 9: WGP training enrollment in 1983 was primarily for new ward orientation, followed by the staff refresher courses.

The training data presented for the state indicates new ward orientation is the largest category, with 73% of the representation. This pattern also applies to the study sites, except for Preston and SRCC. Most training (59%) at Preston was for Staff Refresher courses; at SRCC, the reception center for new wards, new ward orientation was the predominant category at 92%.

The percentage of staff completing the refresher training for July-December was very low (3%) at SRCC. Due to the periodic scheduling of refresher training, this percentage may indicate only that the courses were offered at another time.

FINDING 10: In 1983, less than 40% of grievances filed were denied statewide and it varied from 22 to 50% at the study sites. About a third were upheld or compromised.

The Final Level of Review for the six sites and statewide in July-December 1983 is presented in Table 8. For the state, 38% of all grievances are denied; slightly less than one-third are upheld; nearly another third are compromised. SRCC and Preston deny about 39% of the grievances filed, similar to the state rate. O.H. Close and Fred C. Nelles deny about half the grievances filed, 47% and 50% respectively. At DeWitt Nelson, 22% of the grievances filed are denied.

TABLE 8

Final Level of Review for Study Sites and State Based on MIS Data for July-December, 1983

Study Sites & CYA	Upheld		Compromised		Denied		TOTAL	
	n	%	n	%	n	%	n	%
SRCC	212	39.8	108	20.4	212	39.8	532	100.0
Fenner Canyon Youth Camp	--	--	1	33.3	2	66.7	3	100.0
Preston	62	23.9	96	37.1	101	39.0	259	100.0
Fred C. Nelles	178	28.2	135	21.4	318	50.4	631	100.0
DeWitt Nelson	28	30.8	43	47.2	20	22.0	91	100.0
O.H. Close	54	18.1	105	35.2	139	46.7	298	100.0
Statewide	1,320	31.0	1,329	31.2	1,614	37.9	4,263	100.0

Conversely, the state rate for upholding grievances is 31%. The rates for DeWitt Nelson and Fred C. Nelles are similar to the state, at 28% and 31%. O.H. Close and Preston uphold fewer--18% and 24% each. SRCC reported the highest rate upheld, nearly 40%.

For the new data base generated since July, 1983 the statewide filings represents an average for comparison (since historical comparison was impractical with the revised system). Site specific trends are:

- Preston denies almost 20% more emergency grievances than the other sites and the state.
- SRCC training is more focused on new ward orientation than other sites or the state; this is a reasonable expectation due to the entry function of the facility.
- Fred C. Nelles and O.H. Close deny half or nearly half of all grievances filed in their respective institutions.

2.3 ASSESSMENT MEASURES

The 1983 evaluation focused on the issues of (1) perceptions by wards and staff, (2) compliance with the provisions of the Code, and (3) a summary of parolee feedback. The survey results addressed the purpose of the WGP; the informal review level, the operation of the grievance committee and outside review; emergency grievances; training effectiveness; and the WGP management information system.

The compliance ratings address each provision of the Code, as well as the overall compliance for each institution. The compliance analysis

addresses the sum of ward ratings, staff ratings, and the differences between the two group assessments.

2.3.1 Stated and Perceived Purpose of the WGP

The Ward Grievance Procedure includes comprehensive definitions of terms, specific steps and procedures, responsibilities, and a clearly articulated goal:

> The goal of the Ward Grievance Procedure is to provide a fair, simple and expeditious system for the resolution of complaints as required by Welfare and Institutions Code Section 1766.5. It is the policy of the Branch that both wards and staff shall be treated fairly and with dignity as problems are addressed through this system.[5]

The goal states a commitment to fairness, simplicity, and expediency in complaint resolution. The legislative intent is clearly stated in this goal, and continues through the Code provisions.

Communicating the goal effectively has implications for converting policy into practice. Further, if the goal is known and comprehended and accepted by wards, staff, and administrators, the day-to-day operation may come closer to realizing the goal as it was intended. Conversely, a misunderstood goal may create counterproductive context for implementation of the procedure.

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5. _____. Department of Youth Authority Institutions and Camps Manual. Chapter: Ward Grievance, DDMS, and Legal Actions; Subject: Ward Grievance Procedure, General Policy Section.

To assess knowledge and attitude in relation to the intent of the Legislature, the 1983 evaluation survey investigated ward and staff perceptions. The findings cited represent individual statements as well as group consensus.

> **FINDING 11:** Wards and staff respondents perceive the purpose of the WGP similarly, and consistent with the stated purpose. They emphasize fairness, the opportunity to be heard, and due process features of the WGP purpose.

In a series of personal interviews with Superintendents, ward grievance coordinators, ward clerks, and various living unit staff from six CYA facilities respondents were asked to define the purpose of the Ward Grievance Procedure. In their own words, the respondents defined the purpose in the following ways:

> A Ward Grievance Clerk: "To keep some sort of order between the ward and the staff. To attempt to solve the problem and keep a balance of fairness."
>
> A Superintendent: "...to assist us to be fair to wards. It is a barometer. To remedy problems perceived by wards, real or not, release hostility which has been bottled up; it is a safety valve; wards get listened to."
>
> Another Superintendent: "It is a communication device to make sure that wards have a system for resolving problems. It is a manager's tool."

A Ward Grievance Coordinator: "It is an excellent method for the wards to express themselves and to find solutions for their problems."

A Living Unit Manager: "It is a legitimate form of ventilation for real or imagined grievances. As a manager, it enables me to get a handle on problem areas usually before it goes to outside arbitration. Some things that do not get attention any other way, get it through the Ward Grievance Procedure."

The majority of interviewees asserted the primary purpose was "To handle complaints, solve problems". Altogether the 64 respondents listed 93 purposes which fell into the nine categories in Table 9. In addition, they indicated that overall the purpose(s) they cited were currently met at a rate of 90%. There were nine respondents (one superintendent, four clerks and four Living Unit Staff) who felt the purpose they listed was not currently being met.

The purpose of the WGP was used as the focal point for group discussions at each study site. Approximately 15 individuals participated in the group exercises, in three groups. The discussion groups consisted of either five wards, five staff, or a mixed group of wards and staff. The individuals in the groups were asked to list all purposes they identified with WGP. Then the group was asked to select one purpose from the list as the primary purpose. The primary purposes identified by each type of group are presented in Figure 2. The ward and staff groups emphasized that the WGP was for expressing complaints in a legitimately recognized and expeditious manner. The wards emphasized correcting wrong doings, particularly by staff. The staff emphasized the due process features of the WGP. A detailed

TABLE 9

PRIMARY PURPOSE OF THE WARD GRIEVANCE PROCEDURE, PERCEIVED AND REALIZED

Purpose(s)	Number of Respondents		
	Purpose as it is Perceived	Yes, this Purpose is being realized	Extent to which purpose being met, expressed as a percentage (realized/perceived)
To handle complaints, solve problems	43	37	86.0
To teach wards responsibility of getting problem solved	12	11	91.7
To keep staff from messing over wards	9	9	100.0
To teach other ways to relieve frustrations	8	7	87.5
To ensure a proper procedure with fairness and no bias	9	9	100.0
To give staff a way to resolve a problem with administration	2	2	100.0
To give staff a way to resolve a problem with wards	5	5	100.0
To standardize grievances	2	1	50.0
Other	3	3	100.0
TOTAL	93	84	90.3

FIGURE 2

Primary Purposes of the WGP

GROUPS	PRIMARY PURPOSES NAMED
Wards and Staff, mixed	• It is a viable means for ward complaints to be expressed to a higher authority • It is a way for wards to take care of business more responsibly and more positively. • It is a vehicle to decrease tensions, anxieties. • It is a way to get attention, to get change, to get something done quickly.
Wards	• To change policy. • When staff denies a ward's rights, he (the ward) can file a grievance on anything other than DDMS action. • To make complaints to or about staff and the administration.
Staff	• To safeguard wards' rights. • To point out inequities and to rectify them.

comprehensive list is included in Appendix B. The overlap and consensus between group lists is striking, and indicates there is (1) a high level of awareness about the purpose(s) of the WGP, and (2) a relatively high degree of consensus about the intent of the Code. Although the groups' perceptions about the stated goal demonstrates a slight variation [6] there is considerable agreement overall about the purpose. In almost no instance was there a stated purpose which was a misrepresentation of the code. Regarding the extent to which the purpose is being met, staff were inclined to rate the institution above average; wards rated the achieved purpose average or below.

2.3.2 Informal Review

Informal review constitutes the first decision level in the grievance process. After a grievance has been filed, the grievant and staff are encouraged to find a resolution prior to formal committee review. The grievant has the right to decline informal review. In this case, regular grievances go directly to the grievance committee and emergency grievances to the superintendent. Informal review typically involves negotiation between the grievant and a staff member on a one to one basis. Most staff members participate routinely in informal resolution attempts.

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6. The variations are consistent with their respective group roles and individual vested interests in Code benefits.

FINDING 12: Informal review is widely used to resolve grievances. This level is a filtering for subsequent levels of the grievance process. Staff have broad discretion in making decisions at this level.

Informal review, like formal review by committee, has three possible outcomes. A grievance may be upheld, denied, or compromised. The decision to uphold or deny is made by the staff member conducting the informal review. In this respect, informal review may be a misnomer, since it involves a formal decision. The grievant may appeal the informal review decision to the grievance committee.

Informal review appears to be the focal point of the grievance process. The decision process and outcomes at this level affect how the procedure is perceived and used by wards and staff. The importance of informal review is reinforced by the following observations:

- Informal review is a very popular grievance resolution device. At the institutions sampled, a majority of all grievances were subject to informal review.
- The outcomes of informal review affect subsequent phases of the grievance process. The successful resolution of grievances at this level (e.g., compromising) may reduce the need for committee hearings or outside review by an arbitrator, and therefore, the cost of operating the procedure. Conversely, a high denial rate may have the opposite effect. In this respect, informal review functions as a filter for the remaining levels of the grievance procedure.
- Many wards see informal review as a " test" of the grievance system. This being one of their first experiences with the system, they want to find out whether it lives up to their expectations of fairness and objectivity. Their experiences with informal review will shape their attitudes toward, and use of, the procedure. Similarly, staff's experience with informal review will affect the way they perceive the procedure and their behavior in grievance resolution efforts.

- The informal review is conducted mostly by staff, independent of superiors or procedural guidelines in reaching a decision. As far as procedural guidelines are concerned, most institutions and camps have left informal review largely undefined except for some broad definitions of roles. The only legal requirement is that "ward clerks and/or representative of ward shall be present at all informal resolution sessions". The absence of specific procedural guidelines magnifies the independence of staff. The independence provides staff with an opportunity to use discretion broadly, which affects the way the grievance procedure is applied overall.

FINDING 13: It is unclear for grievances denied at the informal level whether the standard of procedural fairness which is applied is comparable to the fairness standards for subsequent levels of review.

Table 10 presents a summary of the outcomes of informal review at selected CYA facilities. Altogether, two-thirds of the grievances submitted for informal review were either upheld or compromised; only one-third were denied. However, there were some significant institutional variations in outcomes. The denial rate was lowest at DeWitt Nelson (8%) and Preston (18%). At O.H. Close, nearly half (47%) of all informal reviews resulted in denial, followed by SRCC with 43% and Fred C. Nelles with 28%.

Although informal review appears to be relatively effective, there is evidence of very high denial rates at some institutions which raises questions concerning wards' opportunity to be heard. Although wards may appeal a denial decision to the grievance committee, there is some indication from interviews that they may not actually proceed with an appeal because they are afraid of reprisals. Admittedly, several wards interviewed reported they lack faith in the grievance

TABLE 10

Disposition of Informal Resolutions
July-December 1983

	Upheld		Compromised		Denied		TOTAL	
Institution	n	%	n	%	n	%	n	%
SRCC	156	40.4	64	16.6	166	43.0	386	100.0
Fenner Canyon	--	--	1	100.0	--	--	1	100.0
Preston	35	30.7	58	50.9	21	18.4	114	100.0
Fred C. Nelles	92	43.0	63	29.4	59	27.6	214	100.0
DeWitt Nelson	5	20.8	17	70.8	2	8.3	24	100.0
O.H. Close	30	18.6	56	34.8	75	46.6	161	100.0
TOTAL	318	35.3	259	28.8	323	35.9	900	100.0

system because of their experience with the informal review process. The relatively small number of grievances that go to committee may be another indicator that wards do not perceive the procedure, and the appeal process specifically, to be effective means of resolution. It may well be that a significant number of grievances are frivolous. When the human relationships in an organization are poor, the environment tends to generate excessive complaining. Only a longitudinal study would reveal the causes and consequences of proliferation of grievances.

The purpose of using informal review is to give the grievant an opportunity to work out a satisfactory resolution with staff. However, the practice of making denial decisions in informal review leaves the issue of satisfactory resolution open for conjecture. Many denial decisions are not adequately reviewed, are possibly made on subjective bases, and it is not possible to determine whether all denials were warranted. The absence of documentation at the informal level hinders a closer review.

FINDING 14: The code provision for limiting the use of informal review to specialized issues is not followed consistently.

CYA regulations specify that "staff may seek informal resolutions when individual issues (i.e., issues other than departmental, institutional, and living unit policies, or equipment issues), are the subject of the grievance." All other issues, especially those involving significant results for groups of wards must go to a full committee hearing.

It was not clear from interviews or data review what criteria are applied for determining which issues actually go to informal review and which issues go beyond. Additionally, the policy of limiting the use of informal review to specified issues is not followed consistently. On the basis of reviewing a sample, grievances involving other than individual issues are inappropriately submitted for informal review.

FINDING 15: Some wards reported disillusionment with the WCP because they get unsatisfactory responses, and they have seen signs of staff reprisal. In their words, "it doesn't do any good to file".

Interviews and questionnaire responses indicate many wards fear reprisals from staff in the informal review proceedings. Many wards who had filed grievances reported they knew of instances when grievants had been "messed over" by staff. Fear of reprisal was also a prominent concern of wards in group interviews. These reports are consistent with the compliance rating regarding "safeguards for reprisals" which was rated extremely low by ward respondents.

Because wards fear reprisal by staff, they may reluctantly accept an unsatisfactory outcome resulting from the informal review or they may refrain from appealing a committee review when dissatisfied. In individual and group interviews, wards state that the procedure does not work; appealing for a grievance or refiling an emergency as a regular grievance will not accomplish or change anything. It may be

easier to say the "system does not work" than to say they do not want to risk repercussions with staff or the administration.

Written responses are required for all grievances filed, within specific time limits and providing reasons for the response. The following sample of wards' comments suggests that written responses are frequently inadequate: "I was given an incorrect and impertinent answer;" "I got no response;" "there were no written responses;" "frequently I did not get any response." The absence of written responses, whether timely or informative, is an abridgement of the procedural requirements. This practice may partially account for several wards declaring the WGP to be ineffective.

> **FINDING 16:** According to wards, some staff are extremely knowledgeable and helpful regarding wards filing grievances. Other staff are not committed to having the WGP as an effective conflict resolution aide. The quality of assistance and procedural application is comparably poorer for the latter group.

Staff behavior and attitudes toward the informal review process are inconsistent and varied. According to wards, many staff members are committed to implementing the grievance procedure in accordance with the Code. They do their best to be fair and objective. Their exemplary work in grievance proceedings is attributed to their knowledge of, and skills in, mediation and conflict resolution.

Other staff members, however, do not have this commitment or lack the ability to resolve conflict effectively. Several wards observed that some staff members lack interest in and commitment to the procedure.

One ward stated that, "grievances were not given adequate consideration; they were not responded to. There was too much emphasis on trying to resolve it informally, and there were attempts to talk me out of it." Another ward reported, "The response was a joke; the grievance was treated casually, flippantly."

Wards also indicated concern over staff's inclination "to side with staff" to the detriment of the grievant. Some wards expressed concern that some grievances were not being treated confidentially.

> **FINDING 17:** Some staff members expressed frustration with ward use of the WGP. Their complaints concerned ward accusations against staff, excessive ward use of the emergency grievance procedure, and the time and personnel required to work within the procedural guidelines.

Staff members shared their observations and opinions with the evaluators. The following concerns were expressed most frequently:

- Staff often feel slandered because of false accusations by wards;
- Frivolous grievances are filed frequently;
- The grievance process is too time consuming and there is inadequate staffing to handle all grievances;
- Wards are impatient and expect a solution right away; and
- Frequently, staff are the last to know when a grievance is filed against him or her regarding a staff action.

The ward and staff comments in questionnaires suggest the informal review process is characterized by staff and ward conflict. The issue of satisfactory grievance resolution remains unclear. The problem areas described reduce the efficacy of informal review.

Institutions and camps may improve the informal review process by developing closer monitoring procedures and establishing guidelines to assist staff who make decisions at that level.

2.3.3 Ward Grievance Committee Operation

According to the Code, the ward grievance procedure "shall provide for a full hearing of the grievance at which all parties to the controversy and their representatives shall have the opportunity to be present and to present evidence and contentions regarding the grievance". Regulations further provide that all departmental, institutional and living unit policies and equipment issues which involve significant results for groups of wards shall go to a full committee hearing. Other grievances may be resolved informally.

> **FINDING 18:** The formation and operation of grievance committees differ significantly between institutions and camps. Major differences pertain to the number of committees; size and composition of the committees; selection of committee members; and procedures for conducting the hearings.

In conducting hearings, institutions and camps must ensure that the committee is composed of staff and wards; that all parties and their representatives have equal status; and that there is objectivity in committee decision making.

Within these legal guidelines, institutions and camps are encouraged to develop their own approach to the formation and operation of grievance committees. Grievance committee procedures are to reflect

the unique characteristics of individual institutions and camps to maximize the utility of this mechanism for conflict resolution. As a result, there are many procedural differences between institutions and camps.

Differences pertain to the following:

- Number of grievance committees. Half of the institutions visited by EMT evaluators have one grievance committee per living unit. However, DeWitt Nelson has a central grievance committee serving all living units; Fenner Canyon Camp calls a committee together as needed; and SRCC has a committee for the single longterm living unit.

- Size and Composition. While all grievance committees have ward and staff representation, the ratio of ward and staff differs from institution to institution. At O.H. Close, for example, grievance committees are typically composed of three wards, one staff member, and a staff member serving as chair. At Preston, the committee can be chaired by a staff member or by a ward. The grievance committee at Nelles is composed of two staff members, the chief grievance clerk, and a deputy clerk, with the Treatment Team Supervisor, or a person designated by him, serving as chair. For non-English speaking wards, representatives may be selected to assist with translating the proceedings.

- Selection of Committee Members. Institutions and camps differ in the way they select staff members and wards for committee service. Staff members are typically hand-selected by living unit management, the Treatment Team Supervisor, or the ward grievance coordinator. Random selection is also a popular way of selecting staff for committee service; elections and volunteer service are used less frequently. At most institutions ward members are elected to serve on the grievance committee for a specified period of time, typically for a six months term. In other instances, wards are hand-selected or assigned to committee service randomly by staff. DeWitt Nelson has a unique method for selecting wards for committee service. There, ward members are selected from the pool of grievance clerks. Committee chairs are typically hand-selected by management; only a few institutions elect the chair or select randomly.

- Procedures for Conducting Hearings. Institutions and camps differ significantly in the degree to which procedures and roles for conducting hearings are specified and formalized. Generally, the level of formalization is low. At Preston, for example, there are only a few general guidelines for conducting hearings; living units have their own customs for conducting hearings.

FINDING 19: Statewide nearly three quarters of the grievance committee dispositions are in the upheld and compromised categories. About 32% of the Committee appeals are denied.

Table 11 shows the dispositions by grievance committees at the CYA facilities included in the evaluation and the dispositions by grievance committees system-wide for the period July-December 1983. Less than one third of the grievances submitted to grievance committees were denied. The others were either upheld (30%) or compromised (42%).

There were some institutional differences regarding the disposition of grievances by grievance committees. O.H. Close had the highest percentage of denials (47%) while Fred C. Nelles had the lowest (11%). At DeWitt Nelson, 19% of the grievances were denied. Fred C. Nelles had the highest percentage of compromises, 54%, followed by Preston with 45%.

FINDING 20: Ward Grievance Committees, are considered to be a fair and reasonable forum for conflict resolution by the staff and ward clerks.

Interview respondents gave generally high ratings when asked to evaluate the performance of grievance committees. Half of the

TABLE 11

Disposition of Grievance Committees

	Upheld		Compromised		Denied		Total
	n	%	n	%	n	%	
SRCC	18	30.5	24	40.7	17	28.8	59
Fenner Canyon Camp	--		--		1	100	1
Preston	10	20.4	22	44.9	17	34.7	49
Fred C. Nelles	12	34.3	19	54.3	4	11.4	35
DeWitt Nelson	17	36.2	21	44.7	9	19.1	47
O.H. Close	12	27.9	11	25.6	20	46.5	43
Total, Study Sites	69	29.5	97	41.5	68	29.1	234
CYA TOTAL	126	28.1	181	40.3	142	31.6	449

grievance clerks rated committee performance "most satisfactory". A total of 25% gave "satisfactory" ratings; only 10% rated performance "not satisfactory." Only one of the six superintendents rated committee performance "not satisfactory." Ward grievance coordinators as well as staff and ward members of grievance committees expressed satisfaction with the performance of grievance committees. Three out of 23 ward respondents whose grievance had gone to committees felt that the committee had acted fairly. Over two-thirds of the living unit staff surveyed rated committee performance "most satisfactory" (45%) or "satisfactory" (35%).

Committee performance is affected by the quality of leadership provided by the chairperson. Grievance coordinators and committee members unanimously indicated chairpersons make decisions based on facts rather than emotions or choosing sides. This suggests committees are believed to be fair and the committee chair does not sway committee decisions.

In their commentary, grievance clerks identified some obstacles to committee performance and offered suggestions for improvement. One clerk said "sometimes the committee tries to go through the hearing too quickly." Another observed that the "senior of the living unit sways the whole group." A third clerk suggested that "committee members (wards and staff) should have a more positive attitude" to improve the hearing process.

FINDING 21: Members of grievance committees are generally well-prepared for committee hearings. About 80% of the survey respondents stated staff committee members were either adequately or well prepared. Slightly fewer (65%) stated ward committee members were adequately or well prepared; and 20% indicated ward members were inadequately prepared.

Committee members must be adequately prepared for committee service to ensure objectivity, fairness, and expediency in proceedings. The interviewees assessed the extent to which committee members seemed prepared for committee service. Table 12 presents their responses. A total of 80% or more indicated that staff committee members and chairpersons are either "well" or "adequately" prepared. The preparedness ratings for ward members of grievance committees were somewhat lower. Still, 65% indicated that wards are at least adequately prepared to serve on grievance committees. Grievance Clerks and living unit staff provided additional support to the findings that committee members are generally well prepared for committee service. A majority of the clerks felt confident that grievance committee members are fairly knowledgeable about the grievance procedure. A total of 92% (22 of 24) of the living unit staff members who had served on grievance committees stated that they were well prepared to serve.

Staff members who have served previously on grievance committees appear to be supportive of the grievance procedure generally, and of the work of grievance clerks, specifically. When asked "How supportive are staff grievance committee members as far as some duties are concerned?" A total of eight clerks responded

TABLE 12

Preparedness of Grievance Committee Performance as Perceived By Superintendents, Grievance Coordinators, Ward and Staff Committee Members, and Living Unit Staff

	Well Prepared		Adequately Prepared		Inadequately Prepared		Don't Know		Total
	n	%	n	%	n	%	n	%	
Ward Committee Members	14	23.3	25	41.7	12	20.0	9	15.0	60
Staff Committee Members	19	31.7	29	48.3	2	3.3	10	16.7	60
Committee Chairperson	32	53.3	20	33.3	--	--	8	13.3	60

"supportive"; only one said "not supportive"; and six said "it varies--sometimes yes, sometimes no".

In conclusion, grievance committee operations were rated highly. This may be largely attributed to the preparedness and supportive attitudes of committee personnel as reported by survey respondents, wards and staff alike.

2.3.4 Outside Review by Arbitrators

In March 1984, three arbitrators were interviewed by EMT staff. The respondents were selected for the study based on inquiries made through the arbitration contacts in northern and southern California, or the American Arbitration Association. Each of the arbitrators selected had been an arbitrator for CYA on matters related to the WGP at least 3 times in the preceding year.

The respondents ranged from three to six years in the length of their experience conducting arbitration hearings for CYA. Each individual became familiar with the WGP and/or conflict resolution through the American Arbitration Association (AAA); two were former directors of the Association, one of whom was actively involved with the development process for the WGP.

Cases are referred to these individuals through AAA usually by an initial telephone call. The referral procedure is uniform, as follows:

(1) AAA calls to request availability.

(2) AAA writes a follow-up letter confirming the hearing date scheduled with the arbitrator by telephone.

(3) AAA forwards written material from the Superintendent of the ward's institution, including the ward grievance form as filed, information relative to the history of the case, and results of the Committee decision.

(4) At the institution the arbitrator meets with the representatives for the wards and the institution. This may include some "educating" process for the parties about the respective roles of each.

(5) Hearings may last 1-3 hours, focusing on questions about the circumstances of the grievance.

(6) After the hearing is adjourned, the arbitrator may relate his/her decision to the parties verbally, with reasons and permitting responses. A written decision is submitted to CYA within 10 days.

(7) CYA may accept or reject the decision; most are accepted.

The arbitrators review grievances and arrive at a decision based on institutional policy, rules, and regulations. Generally, by the time a grievance reaches the arbitration level it is recognized as a substantive issue. A decision may be against the institution when the reviewer finds the institution out of step with its own rules.

FINDING 22: Sometimes the parties meeting in arbitration have not been briefed ahead of time how the hearing will be conducted, and the arbitrator must first explain the process.

The arbitrators named few problems or constraints regarding the outside review. One arbitrator noted that sometimes the parties

involved do not know what is expected of them at the hearing. The arbitrator takes responsibility for briefing the individuals before the hearing gets underway.

> **FINDING 23:** The arbitrator respondents reported the outside review process to be a good process for wards to learn how to resolve conflicts in a constructive manner, where both parties can agree to a satisfactory solution and/or compromise.

The arbitrators were extremely positive in their assessment of the Ward Grievance Procedure. Among their comments were the following remarks:

- it is a good educational process;
- it would be good to implement the procedure nationwide;
- it allows the wards to be involved in a process for settling hostilities;
- it is a good system of checks and balances;
- it uses the educational process as an alternative to violent acts;
- the WGP Manual is well-written;
- it works because it is a system which is predominantly applied at the informal review level;
- it diffuses emotions and provides a safety valve; and
- it provides a win-win outcome for both parties; everyone can be satisfied.

The arbitrators made two suggestions for the outside review process. When a grievance is appealed to outside review, the parties involved

should be apprised of what the hearing will look like. This is the responsibility of the institution or CYA.

For example, a pre-hearing briefing should include a description of the hearing; the roles of each party and representatives, if present; an overview of the case facts, the filing, all appeals, and decisions; and presentation of the case.

> **FINDING 24:** The majority of staff and clerks surveyed indicated the frequency of outside review by arbitration was about right. Of those who felt arbitration was used too infrequently, they were mostly ward clerks. Over two-thirds of the respondents felt outside review was unbiased.

In the site surveys 24 superintendents, Ward Grievance Coordinators, and Clerks rated the frequency and the quality of arbitration hearings. The majority (54%) responded the frequency of outside review was "about right"; nine respondents (38%; mostly clerks) said the frequency was "too low"; and only two (8%) said the frequency was "too high". The quality of arbitration was described as impartial and unbiased by 70% of the respondents. Only three respondents described the hearings as biased, and three respondents applied other criteria. Overwhelmingly, 73% of the respondents recommended no changes for the arbitration proceedings. Of 11 clerks who felt knowledgeable about arbitration ten (91%) were satisfied with the current proceedings; half of the superintendents felt that the quality of the arbitrators could be better, or the procedure was not necessary.

2.3.5 Emergency Grievances

The ward grievance procedure requires that specific conditions be met in order for the grievance to be recognized as an emergency. Emergencies are:

a. Matters which would be made moot by the passage of time required for normal processing, or

b. Matters in which delay would subject the ward filing the grievance to substantial risk of personal injury or other damage. (CYA Institutions and Camps Manual, Section 4091).

If a grievance is recognized as an emergency and cannot be handled by staff it is referred by the staff to the superintendent of the institution. The Executive Officer reviews the emergency grievance in the absence of the Superintendent; the Superintendent may also designate staff to hear emergency grievances. Within 24 hours the superintendent must respond to the grievant verbally. The response should include any reasons for denying the grievance, if that is the result. The written response should be received by the grievant within one working day. Once handled as an emergency, the grievant may appeal to outside arbitration within 24 hours.

FINDING 25: Although emergency grievance filing is reportedly overutilized and misused by wards, less than half (44%) of the wards who reported filing emergencies were denied--below the statewide rate of denials (52%).

In a survey of 23 wards who reported having filed emergency grievances, ten (44%) had their complaints denied. Of the ten denied, only one was denied by the superintendent; the others were

denied by the assistant superintendent, or an executive officer, or a Senior Youth Counselor. Six of the wards did not know or indicate who denied the emergency.

Grievants are permitted to refile emergencies as regular grievances. Of the ten who had filed emergencies, four (40%) refiled. For the remaining six who did not refile, they gave the following reasons:

- the time limit was exceeded for appealing the grievances as an emergency;
- it would have taken too long;
- the issue was not grievable;
- the ward was frustrated;
- it would not make sense because the grievant would be sent to the same individual who denied handling it as an emergency.

Superintendents, coordinators, and clerks were asked if the frequency of emergency grievances filed was overutilized, underutilized or about right. A total of 18 respondents (42%) indicated emergencies were overutilized; 13 (30%) indicated emergencies were underutilized; 12 (28%) said the frequency of emergency filings was "about right". Of the 13 staff respondents, nine (69%) felt the emergency procedure was overutilized, compared to less than one third (29%) of the ward clerks.

In sum, wards and staff members perceive the use of the emergency procedure differently. From structured and extraneous interviews with wards, many expressed frustration over the emergency procedure.

They recognize the procedural requirements for an immediate response and attention by the superintendent or a delegated staff member. A closer examination of response time for regular grievances may indicate whether "overutilization" of the emergency procedure coincides with exceeding time limits. Wards may view the emergency procedure as the only recourse for getting a timely response to a complaint.

On the other hand, a high overutilization of emergency filing could be a function of wards and staff misunderstanding what is meant by emergency. Ward orientation could focus greater emphasis on the distinction between emergency and regular grievances to minimize the misunderstanding. A direct and comprehensive assessment of the emergency procedure use/misuse could provide CYA with a clearer understanding of whether this is a problem area.

2.3.6 Training Effectiveness Ratings

From the beginning of implementing the Ward Grievance Procedure, there has been an effort to educating and training everyone who will be effected by the procedure. Many upper level staff who participated in this study reported having been with CYA since the WGP was first introduced. Thus, they regard their knowledge of the procedure to be closely associated with being part of the initial implementation and subsequent evolution of the procedure. They "grew up with the Ward Grievance Procedure", as one respondent put it.

Ward orientation, staff training, and clerk training have now been institutionalized into the procedure. There are designated trainers, written and audio visual material, and some practical exercises which make the training program comprehensive. To a great extent, the training component has been expanded and refined in response to recommendations from previous annual evaluation studies. The training has become an entity of large enough proportion and importance that requires an evaluation study.

The following assessment is an overview of findings from the current evaluation surveys. In the course of conducting the WGP evaluation, EMT collected data by interview to obtain feedback in a limited assessment of the grievance procedure training. In keeping with the perceptual, qualitative tone of the study, the following section reflects individual assessments and ratings for effectiveness of selected aspects of the training program. Specifically, the following areas were highlighted:

- effectiveness ratings for staff training, by staff and WGP Clerks;
- overall preparedness ratings (an indicator of training effectiveness) for selected staff, WGP Committee members, and clerks;
- assessment of the best and worst aspects of the refresher training for staff; and
- suggestions for improving various features of the training component.

At the very least training is regarded as crucial to the workability of the WGP by many respondents. Suggestions and recommendations about ward orientation and various aspects of training were frequently cited.

> **FINDING 26:** Overall training was rated by staff and ward clerks as moderately effective or better. Clerk training and on-the-job experience rated most highly as types of training, compared to staff, ward, committee orientations and refresher courses.

Training effectiveness was rated for six different resources by the staff and clerks from study sites. In Table 13 the frequencies of responses are presented. For the respondents who were knowledgeable about or had an opinion of the training, three quarters or more rated the training moderately-to-very effective. The largest groups of respondents (40%) rated clerk training and on-the-job training/experience very effective. Employee orientation at institutions does not seem to be a traditional practice; it was unknown to 27% of the respondents. Surprisingly, 30% of the respondents did not know how to rate the refresher training course. Most of the respondents were staff who have opportunities to take the course annually.

> **FINDING 27:** Many opinions about the refresher training cancelled each other out--it's too long, it's too short; it's repetitive, it's a good reminder. What was liked by one individual was disliked by another.

Regarding the refresher training specifically, respondents cited areas liked most and least, and made recommendations for improvements. Respondents especially liked the review of the levels

TABLE 13

Training Effectiveness Ratings

	Very Effective		Moderately Effective		Not Effective		Did Not Know		TOTAL	
	n	%	n	%	n	%	n	%	n	%
a. Employee Orientation (at the institution)	10	15.9	27	42.9	9	14.3	17	27.0	63	100.0
b. Refresher training	15	23.8	25	39.7	4	6.3	19	30.2	63	100.0
c. On-the-job training/ experience	25	39.7	24	38.1	9	14.3	5	7.9	63	100.0
d. Orientation for grievance procedures (new admissions)	19	30.2	26	41.3	10	15.9	8	12.7	63	100.0
e. Training for Grievance Clerks	26	41.3	22	34.9	10	15.9	5	7.9	63	100.0
f. Grievance Committee members training	17	27.0	22	34.9	14	22.2	10	15.9	63	100.0
CUMULATIVE TOTALS:	112	29.6	146	38.6	56	14.9	64	16.9	378	100.0

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of the procedure, the time limits, and recent revisions and changes. Some respondents favored training on resolving grievances at the first level; others welcomed the refresher on subsequent levels because they are seldom used. The quality of instruction appears to be good; role playing and audio visual aides are appreciated. According to one respondent,

> We can go over problem areas which seem generic. We can deal with the system. The quality of instruction is good. It provides an opportunity to get a better understanding by using examples; can get policy clarification.

Among the least liked aspects of the training were the frequency (too frequent; too infrequent); the duration (too short; too long); the content is repetitive and boring; it is unnecessary for experienced staff; and staff participation is poor. The respondents suggested several ways to enhance the refresher training in specific areas, using some new techniques and materials. Overwhelmingly responses about training and orientation and the many recommendations, are indications that individuals feel training is an integral component of the Ward Grievance Procedure. The value and overall effectiveness of the procedure is related to the effectiveness, quality, and frequency of training. A way to improve on the workability of the WGP is contingent on the training; people have already invested enough in the WGP that they are willing to request more and/or better training, for themselves and their "problem" group.

2.3.7 Ward Grievance Management Information System (MIS)

Currently, institutions and camps, in cooperation with the Ward Rights Services Section, operate an integrated information system that brings together information on the variety of grievance activities. The purpose of the information system is to meet the information needs of a broad spectrum of users inside as well as outside CYA. The following is a list of users:

- staff and management of institutions and camps;
- Ward Rights Services Section of CYA;
- CYA management;
- wards of CYA;
- legislators of the California Assembly; and,
- the public.

The management information system (MIS) has provided management data to CYA since the WGP was implemented. Institutions and camps submit monthly reports to the Ward Rights Services Section. The monthly data is reviewed and used to chart patterns, note changes, and identify breakdowns in communication and operations. Furthermore, the monthly data is compiled for annual reports.

During 1983 the information system was undergoing modification. Many detailed items of the previous information system were discontinued, producing more practical and useful monthly printouts. The first complete printout was generated in August 1983. Later, July information was added and the revised printout was available for July through December 1983.

It is possible to make some comparisons between 1983 data and

previous years, even with the revisions. This exercise was conducted for the evaluation study. Having become familiar with both the former and the current MIS procedures and products the evaluation team has carefully reviewed the system and assessed the quality, quantity, and management of the Ward Grievance Procedure information system.

Data requested from CYA Ward Rights Services Section was available and organized satisfactorily for use by the evaluation team. Computer printouts were accessible and comprehensible. The categories of information matched items on data collection forms through 1982. As new printouts became available for 1983, copies were provided. Other valuable data provided by the Ward Rights Services Section staff of CYA included previous evaluation reports, annual reports for CYA, annual Ward Grievance reports, a special task force report, and the "Grievance Digest" for recent years. These resources were valuable and provided information which was essential for the trends analysis in this report. At the level of departmental and institutional policy, as well as grievances taken to outside review, the data is well documented.

> **FINDING 28:** The more formal the level of review the better the quality of the written documentation. Data about informal review is not as reliable as data for subsequent levels. Incomplete grievance forms and logs contribute substantially to the poorer quality of monthly reports.

It was evident from spot checks completed at each of the sites visited that the formal filings were relatively easy to account for,

with the exception of Fenner Youth Camp.[7] Grievances which require committee review or another formal review seem to adhere to required standards for documenting actions and responses. In some instances time limits for these categories are exceeded, reportedly due in part to the paperwork requirements.

By comparison, the more informal level of grievance resolution is not as well documented. These and the following observations are based on randomly selected reviews of grievances at each site included in the evaluation. Institutions and camps are required to maintain a storage file of all grievances filed during the previous year. While this file was well organized and maintained at most institutions, there were a few exceptions. At one institution, for example, copies of the grievances were poorly organized and stored in a relatively inaccessible location. In addition, information on the forms was frequently incomplete. From a review of a sample of grievance logs it was discovered that many grievance logs had information gaps. For example, the following required entries were not present:

- review level and dates;
- specification of types of grievances;
- subject of the grievance;
- date of appeal;
- decision of highest level of appeal; and
- written reasons for the decisions, responses.

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7. Fenner Canyon reports few grievances and the monthly reporting, recordkeeping, and other grievance document logs do not comply with code standards. This issue has been raised recently with the Camp administrators by CYA staff. Compliance is said to be forthcoming.

These gaps may not seem serious at the institutional level. However, monthly reports are known to be inaccurate and CYA's perception of institutional compliance is based on incomplete information.

According to the Code, time limits must be monitored and met, and responses must be written with reasons. Neither of these conditions can be assessed adequately given the quality of the data provided in monthly reports. As a result of the deficiencies, many grievance logs are not valid sources of data which is used to assess the volume and nature of grievance activities at the living unit level. The institutions and camp varied in the degree to which the forms were complete. SRCC forms were the most complete, Nelles' forms were consistently incomplete, and Fenner Canyon records were not available for review.

Currently, all institutions use the same grievance forms. To some extent institutions have implemented the procedure to fit a particular institutional environment. The grievance procedure forms may not be equally appropriate for use at each institution. For example, at DeWitt Nelson Level I review refers to informal review by the Dorm Grievance Mediator. At other institutions Level I review refers to the grievance committee. The use of the same form may account for coding errors and distortions in reporting of grievance-related activities at the institution level. Institutions report emergency grievances to CYA in each monthly summary. The procedure for tabulating emergency grievances filed is not

consistently followed among reporting institutions. Therefore the data compiled by CYA reflects institutional variations, resulting in overcounting and undercounting.

FINDING 29: The review of the monthly monitoring reports prepared by the Ward Rights Services Section revealed gaps in data; inconsistencies in the reporting of emergency grievances; lack of follow-up data on emergency grievances withdrawn; and lack of data on withdrawn grievances.

Decision makers in CYA require timely and accurate data on the level and type of grievance activities to make prudent management decisions. The major vehicle for generating this information is the monthly monitoring report. The report is prepared by the Ward Rights Services Section on the basis of data supplied by individual institutions and camps. The procedures for data collection and reporting, as well as the format of the report, were changed in 1983 to increase the utility to users. The reports for 1983 and hereafter include information on the following:

- types of grievances filed;
- number of emergency grievances filed, handled, and denied;
- time limits exceeded by type of grievance; and
- final level of review.

The review and analysis of the reported data revealed discrepencies in the following tabulations:

- The total number of cases reported under "Final Level of Review" is supposed to equal the total for "Grievance Type". For the period July-December 1983, there were discrepencies between these totals. The differences were as great as 243 cases for Preston, 222 for DeWitt Nelson, and 180 for Fred C. Nelles. The differences for the other institutions were less pronounced.

- When reporting data for "Final Level of Review" it is not clear whether institutions have included the disposition of emergency grievances. There is an indication that some institutions include this and others do not.
- There is no followup information on "Emergencies Denied" (i.e., the number of denied emergencies that were resubmitted as regular grievances). This information would be extremely useful for monitoring and procedures assessment.
- "Final Level of Review" does not include a category for tabulating the grievances withdrawn.

Monthly reporting is dependant on the accuracy and completeness of each grievance filed and logged. CYA provided thorough instructions for completing the monthly forms, with explanations for terms and categories. Still, if the forms for filing are incomplete, missing dates and reasons for responses, the quality of the monthly forms for CYA would be effected.

2.3.8 Parole Grievance Procedure

The grievance procedure for parolees of the California Youth Authority is modeled after the procedure for wards in its philosophy and design. Parolees are encouraged to resolve grievances informally with their parole agent. If the issue cannot be resolved informally, the parolee can make an appeal to the first level of review. This review is conducted by the supervising parole agent and includes all parties involved. The supervising parole agent's decision can then be appealed to the Regional Administrator, the second level of review. The Administrator's decision can be appealed to a third

level of review, typically a hearing with a three-member panel comprised of an individual appointed by the Regional Administrator, the parolee's representative, and an individual not officially affiliated with CYA.

The evaluation of the Parole Grievance Procedure (PGP) included: (1) a mail survey to 100 active and 100 former parolees; (2) personal interviews with supervising parole officers in Sacramento and Oakland; and (3) an interview with the Ward Rights Specialist for Parole. Altogether 15 active and 10 former parolees returned completed questionnaires. These relatively low return rates warrant a cautionary note. Although valuable information can be gleaned from these surveys, generalizations for the entire parolee population (approximately 7,000 in FY 1982-83) are problematical. Resource constraints did not permit written or telephone follow-ups to improve return rates. It should be noted, however, that the findings of this evaluation are quite similar to the findings of previous evaluations.

About half the active parolees had been on parole 13 months or longer; two had been on parole between 7 and 12 months; and, 6 had been on parole less than six months. All former parolees had been on parole between one and two years. The parole staff respondents had no less than eight years experience each.

FINDING 30: The informality of conflict resolution for parolee grievances seems to account for the low incidence of parole grievances filed. It also may contribute to the

uncertainty about whether few grievances is a positive or a negative phenomenon.

When a parolee has a complaint, he typically tries to resolve it informally with his parole agent. In some cases, the parole agent requests the assistance of the supervising parole agent who meets with the two parties either jointly or separately before reaching a decision. Most of the respondents felt that the informal approach is both fair and mutually satisfactory.

The Ward Rights Specialist for parole indicated that some parolees bypass the parole agent and direct their complaint to the Director of CYA. The Director received about 12 complaints for 1983. The Ward Rights Specialist for Parole responded to and resolved the complaints or referred them back to the parole office from which they were filed.

According to the parole agents the most common complaints by parolees concern getting assistance in finding housing, employment, and transportation. Inappropriate conduct by the parole agent and requests for changes in parole agent assignment are other complaints.

Parolees rarely use the grievance procedure. None of the respondents surveyed had filed a grievance. According to interviewees, the Sacramento and Oakland parole offices did not have any formally filed grievances for 1983. Statewide reports show only one grievance went to the second level of review during 1983. In 1982 two grievances

were appealed to the third level of review. One appeal was withdrawn by the parolee, and the other was settled in the parolee's favor.

FINDING 31: Only 12.5% of the parolee respondents expressed complaints about the grievance procedure.

Survey respondents revealed several reasons for the rare use of the grievance procedure. The primary explanation is that parolees have few complaints. Only three of the 25 parolees indicated that they had any complaints about the way their parole agent worked with them. Parole agents confirmed the infrequency of complaints. On the average, the agents reported only four complaints received during the previous year. Each of the complaints was resolved informally.

FINDING 32: Compared with the ward grievance procedure, there is little emphasis on trainings, orientation and/or printed material about the parolee grievance procedure.

There is some indication that parolees are not as familiar with the grievance procedure as are CYA wards. Although only two active parolees indicated that they did not know about the grievance procedure, four of six former parolees were not familiar with the procedure. A majority of both the active and former parolees were not provided with any written description of the procedure. Several parolees did not recall receiving an orientation about using the procedure. The parole agents corroborated the parolees responses. All the agents rated the effectiveness of grievance training moderately-to-not-very effective; none rated the training as very satisfactory. Additionally, none of the parolees nor the parole

agents surveyed had any orientation or training regarding the WGP. This may contribute to the infrequent use of the procedure. The population may not be informed of the procedure.

Fear of reprisals does not appear to hinder grievance filing by parolees. Only two of 15 active and one of the former parolees were aware of other parolees not filing grievances because they feared reprisals from staff. None of the parolee respondents had decided against filing a grievance because they were afraid of getting messed over by staff. One parole agent respondent stated fear of reprisal might deter parolees from using the procedure.

There appears to be no pressure from staff for parolees to refrain from filing a grievance. Only two of the 15 active parolees stated that they had been talked out of filing a grievance. Parole agents suggested additional reasons for the rare use of the PGP:

- Many parolees distance themselves from the parole system. They want to keep contact to the required minimum. They have limited interest in using the grievance procedure.
- Parole staff is fair-minded; agents give parolees options.
- There is an atmosphere of trust and confidence between parolees and their agents.
- Compared to institutions, life on parole is less frustrating; blow ups occur infrequently.

Parolees indicated they would use the procedure in the future if they could not work out a problem with their agent. Only one parolee stated that he would not use the procedure "because it would not do any good".

FINDING 33: Training, parolee orientation, and fear of reprisals were the only provisions of the PGP code to get low ratings from parolees surveyed. The majority of parole survey respondents rated the PGP excellent, overall.

All parole survey respondents rated the parole system compliance with the statutory and regulatory provisions of the PGP. The complete results are presented in Table 2 of Appendix B.

Parole staff, with few exceptions, rated the overall compliance high. Only the provision that staff and parolees receive ongoing training about the grievance procedure dreceived a relatively low rating. Parolee responses did not differ significantly from staff responses. Most standards and procedures were rated in the moderate or high range by parolee respondents. About one fifth of the parolee respondents rated "ongoing training about the grievance procedure for parolees" as a low compliance item. Another third of the parolees gave a low rating to the provisions on "parole orientation" and "a parolee does not have to worry that he might get messed over" if he files a grievance.

When asked, "Overall, how would you rate the grievance procedure as it currently works at this office?" five staff respondents gave it an excellent rating and one rated it poorly. Similarly, ten parolees gave it an excellent rating; only two gave it a low rating.

2.4 COMPLIANCE RATINGS

On a scale on 1 to 10, how do you rate your institution in terms of its overall compliance with the Ward Grievance Procedure? How do wards rate their institution? Staff? Do ward and staff ratings differ? What would be an average rating?

The questions raised here demonstrate the potential danger of oversimplifying the issue of compliance, as well as the value of addressing compliance in a comprehensive and specific format. Even after converting compliance into a quantifiable measure, what rating is acceptable or not acceptable? The last question may never be answered absolutely, but may be used to determine relative improvements and deterioration over time.

For the current study, the issue of compliance was assigned high importance. Each participant in the study who completed a structured questionnaire was also presented a detailed compliance rating checklist to complete. As many as 265 respondents were given the opportunity to rate up to 24 items in the compliance rating checklist.[8]

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8. Respondents were instructed to rate all items they felt knowledgeable about or as it related to them (i.e., many wards did not rate items concerning staff training, the appeals procedure, and the written procedures due to lack of knowledge or understanding in that area). The summary ratings were calculated taking into account the varying total responses per item.

The compliance rating checklist was derived directly from the Code, paraphrased to simplify terms and expressions. A total of 24 items were listed, 8 comprising Standards and 16 comprising Procedures. A summary of the results based on aggregate responses (totals from all study sites) presents a detailed assessment of ratings for the following:

- each of the 24 items;
- ward perceptions;
- staff perceptions;
- combined ward and staff perceptions, where wards represent 75-80% of the respondents; and
- an overall assessment of the Ward Grievance Procedure.

In order to simplify the discussion, the 1-10 ratings were grouped in thirds, where ratings of 1-3 were designated low, 4-6 were medium, and 7-10 were high. The detailed summary is included as Appendix C.

2.4.1 Combined Ward and Staff Compliance Ratings

In the combined ward and staff ratings, 17 of 24 items (71%) were rated high in terms of compliance with the Ward Grievance Procedures. One might interpret this finding to mean that in those categories there is a 71% level of satisfaction for compliance as perceived in the five institutions and single camp surveyed. By itself, this statistic suggests better-than-average compliance and room for improvement. Fortunately, a closer examination of the ratings

provides greater detail and directs attention to areas which may arouse concern.

FINDING 24: The majority of all survey respondents rated WGP compliance average to high. Staff and ward perceptions of compliance are distinguishable, with lower ratings by wards on several items of the Code. In a few instances, their group ratings are widely disparate, with wards low and staff high.

2.4.2 Ward Ratings and Staff Ratings Compared

Wards and staff alike tended to rate most items in the medium and high compliance range. For example more than 50% of the wards and staff rated all 24 items in the medium to high range. Because medium ratings may reflect complacency, lack of knowledge about an item, or no opinion, the items receiving a high compliance rating by 40% or more of the population will be identified. Tables 14 and 15 present for wards and staff those items which were rated in the high compliance range.

In Table 14 the items receiving a high rating by at least 40% of the wards are listed. These items were rated 7, 8, 9 or 10 in terms of compliance. The proportion of wards assigning high scores is equal to or exceeds what might be expected in a normal distribution, (i.e. 40% or more).

Generally, wards assigned high ratings for 16 of 24 items listed, or 75% of all items. Still, only the items regarding (1) ease of following procedures by staff, and (2) appeals procedure known by

TABLE 14

High Compliance Ratings by Wards, All Sites

Item in WGP Code	Percentage of Wards' Ratings in All Categories, Where 40% or more Assigned a High Compliance Rating		
	Low %	Medium %	High %
a. The grievance procedure is fair to staff.	10.7	23.2	66.0
b. The procedure is simple to follow			
....for wards;	20.5	32.1	47.4
....for staff.	11.0	14.3	74.7
d. The grievance procedure is easy to understand as written			
....for wards;	22.9	35.9	41.2
....for staff.	8.4	24.0	67.6
e. Ward Grievance Clerks are selected by other wards.	26.3	18.6	55.1
i. Wards are given written instructions about the grievance procedure.	32.0	24.6	43.4
j. Wards are given an orientation about the grievance procedure while at NRCC or SRCC.	19.1	19.6	61.3
k. There is on going training about the grievance procedure ....for staff.	23.9	24.7	51.4
l. Filers are given responses in writing with reasons that are clearly stated.	23.8	32.6	43.6
m. The filer is given written notice of his right to appeal if he is not satisfied with the outcome.	23.6	18.8	57.6
n. The filer gets a response within the required time limit.	31.5	24.0	44.5
o. The filer has the right to a representative, and this right is made known to him.	16.2	20.0	63.8
q. Most grievances are worked out between the individuals with the conflict, instead of involving the superintendent.	23.0	34.8	42.2
r. There is a procedure for appealing the outcome of each level of resolution known by			
....wards;	21.6	25.7	52.7
....staff.	10.1	15.5	74.4

Note: Ratings actually ranged from 1 to 10. After coding responses the ratings were grouped 1-3 (LOW), 4-6 (MEDIUM), and 7-10 (HIGH).

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staff, were rated high by as many as 75% of the wards. Looking to other items that reflect staff-specific procedures (a, b, d, and r), the wards' high compliance ratings suggest the wards perceived a comparative assessment that staff fare better than wards. This is particularly striking in item "b" regarding simplicity for following procedures by wards (47% rated high) compared to staff (75% rated high). A similar pattern is noted for item "r" regarding knowledge of the appeals procedure--53% perceive wards to be knowledgeable compared to 74% who perceive staff to be knowledgeable. Because knowledge of this procedure is an instrumental feature of the design and intent of WGP, the discrepency in perceived levels of knowledge may suggest an area for greater emphasis in ward orientation. Although the items listed in this table received the highest ratings by at least 40% of the wards surveyed, it is possible to identify subject areas where wards themselves sense a difference between compliance standards for staff and wards.

The items listed in Table 15 are those given high compliance ratings by 40% or more staff. Again, if 40% or more of the staff rated the item high, this is equal to or greater than a proportionate representation.

Staff rated 21 of 24 items (88%) in the high compliance range. For 18 of the 24 (75%) over half of the staff rated the item in the high range.

TABLE 15

High Compliance Ratings by Staff, All Sites

Item in WGP Code	Percentage of Staff Ratings in All Categories, Where 40% or more Assigned a High Compliance Rating		
	Low %	Medium %	High %
a. The grievance procedure is fair			
....to wards;	6.1	8.2	85.7
....to staff.	11.8	31.4	56.8
b. The procedure is simple to follow ....for staff.	12.0	28.0	60.0*
c. The grievance procedure is carried out in a timely fashion.	8.9	32.1	58.9
d. The grievance procedure is easy to understand as written			
....for wards;	22.0	28.0	50.0
....for staff.	12.0	26.0	62.0
f. Ward Grievance Clerks are selected by other wards.	12.7	42.6	44.7
g. The Ward Grievance Coordinator meets regularly with the clerk(s).	8.4	45.8	45.8
h. The filer is given an opportunity for a full and fair hearing.	14.0	38.0	48.0
j. Wards are given an orientation about the grievance procedure while at NRCC or SRCC.	8.7	41.3	50.0
k. There is on going training about the grievance procedure			
....for wards;	29.2	18.8	52.0
....for staff.	24.5	14.3	61.2
l. The filer is given a response in writing with clearly stated reasons.	6.0	16.0	78.0
m. The filer is given written notice of his right to appeal if he is not satisfied with the outcome.	11.5	17.3	71.2
n. The filer gets a response within the required time limit.	5.9	15.7	78.4
o. The filer has the right to a representative, and the right is made known to him.	2.0	13.7	84.3
p. There are written safeguards to prevent reprisals.	2.0	7.8	90.2
q. Most grievances are worked out between individuals instead of involving the superintendent.	--	13.7	86.3
r. There is a procedure for appealing the outcome at each level of resolution known by			
....the wards;	10.0	28.0	62.0
....the staff.	9.8	33.3	56.9
s. Overall, how would you rate the grievance procedure as it currently works at this institution?	6.0	22.0	72.0

Note: Ratings actually ranged from 1 to 10. After coding responses the ratings were grouped 1-3 (LOW), 4-6 (MEDIUM), and 7-10 (HIGH).

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* Note: Only 25% of staff rated this item high for wards. The procedure is perceived by staff to be simple to follow for staff, but not for wards.

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A particularly large percentage (75% or more) gave high compliance ratings to items regarding:

- WGP fairness to wards (86%)
- Written responses with clearly stated reasons (78%)
- Response timeliness (78%)
- Filer representative, known (84%)
- Written safeguards to prevent reprisals (90%)
- Most grievances are resolved between individual parties, without the superintendent (86%)

These items were perceived by the vast majority of staff to be in a high compliance range.

The most revealing data was derived from comparing the subtotals for separate ward and staff ratings. For several items a clear difference of perception was shown in Table 16. Under the low ratings there were three areas of discrepency where at least three times as many wards assigned low ratings as staff. These, shown by ** are:

- A total of 47% of the wards gave low ratings to "written safeguards for reprisals", compared to 2% of the staff.
- A total of 37% more wards gave low ratings to the overall WGP at their facility; and
- Altogether 23% of the wards assigned low compliance ratings to working out grievances between individuals, versus taking them to a higher authority, such as the superintendent; no staff gave this item a low rating.

The other areas where wards assigned low ratings at twice (or greater) the frequency of staff were: simplicity of the procedure; timeliness of procedures; knowledge/agreement over clerk selection;

TABLE 16

Discrepencies Between Ward and Staff Perceptions of Compliance for Selected Items

Item in the WGP Code	% of Wards Rated: Low %	Medium %	High %	% of Staff Rated: Low %	Medium %	High %
a. The grievance procedure is fair to wards.	39.7*	29.8	30.4	6.1	8.2	85.7*
b. The procedure is simple to follow for wards.	20.5	32.1	47.4	10.9	64.6	24.5
c. The grievance procedure is carried out in a timely fashion.	23.4	44.3	32.2	8.9	32.1	59.0
f. Ward grievance clerks are selected by otheer wards.	26.3	18.6	55.1	12.7	42.6	44.7
g. The Ward Grievance Co-ordinator meets regularly with the clerk(s).	28.4*	38.1	33.5	8.4	45.8	45.8
h. Wards...are given a full and fair hearing.	38.9*	24.6	36.5	14.0	38.0	48.0
i. Wards are given written instructions about the WGP.	32.0	24.6	43.4	15.7	49.0	35.3
j. Wards are given WGP orientation at NRCC or SRCC.	19.1	19.6	61.3	8.7	41.3	50.0
l. Filers get written responses, clearly stating reasons for action.	23.8*	32.6	43.6	6.0	16.0	78.0
m. There is written notice of right to appeal.	23.6	18.8	52.6	11.5	17.3	71.2
n. Responses are within time limits.	31.5*	24.0	44.5	5.9	15.7	78.4
o. Filers have a right to a representative.	16.2*	20.0	63.8	2.0	13.7	84.3
p. There are written safe-guard to prevent reprisals.	46.6**	26.2	27.2	2.0	7.8	90.2*
q. Most grievances are worked out, not sent to super-intendent.	23.0**	34.8	42.2	--	13.7	86.3*
r. The appeals procedure is known by wards.	21.6	25.7	52.7	10.0	28.0	62.0
s. Overall, how would you note the WGP as it currently works at this institution/ camp.	43.6**	27.7	28.7	6.0	22.0	72.0*

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coordinator--clerk meeting; quality of the hearing; instructions and orientation for wards; and adequacy of responses and appeals notices. Although most of these items were rated high by 40% or more wards and staff as a group, wards had comparatively more negative perceptions of these particular items. In sum, the items were given low compliance ratings by wards and the ward perceptions were substantially lower than staff perceptions. To some extent, the difference in perceptions could be expected due to the environment of institutions, and perceptual and real differences between the captives and the keepers.

At the high end of the rating scale this pattern was borne out for items regarding fairness to wards, adequacy of responses to grievances, timeliness, reprisal safeguards, satisfactory informal resolution, and overall compliance ratings. Twice as many staff rated these items "high" compared to wards.

The value of noting the wide disparities between ward and staff ratings is that one can clearly see where and to what extent perceptions differ. Compliance to the WGP code is to some extent a matter of perception. Even where relatively high ratings were assigned by most wards and staff, the power of those ratings was superceded by the distinct levels of high compliance; no more than 75% of the wards rated any single item high; six key items were rated high by 75% or more staff.

The specificity of the ratings, item for item by wards and staff will permit focusing attention on the specific areas where perceptions vary. CYA might consider setting a goal for narrowing this gap to be measured in future evaluation studies.

The individuals involved throughout the process have learned about WGP policy and procedures from orientation programs, training and refresher training courses, and on-the-job experience. These learning modalities provide a broad base of resources, including CYA administration, institution administration and management, and the line and/or peer level.

SECTION 3

RECOMMENDATIONS

The recommendations were developed from all data sources included in the study. There were many suggestions presented by interviewees which have been included in the list. Staff, wards, administrators, CYA officials, parole officials, arbitrators, and EMT Associates are collectively responsible for the recommendations. For reference, the list is organized into the same sections as Section 2--Informal Review, Ward Grievance Committee Operation, Outside Review by Arbitrators, Emergency Grievances, Training Effectiveness, Ward Grievance MIS, the Parolee Grievance Procedure, and the Compliance Ratings:

Informal Review

The informal review permits almost immediate response to individual grievances. Although most individual matters can be handled satisfactorily at the informal level, much of the decision making is subjective. Therefore, it is recommended that:

1. CYA develop specific criteria for determining grievance issues which are subject to informal review.

2. CYA develop a minimum set of procedural guidelines for informal review.

3. Institutions and camps include mediation and conflict resolution skills development in WGP training for staff and grievance clerks, to be applied with the informal review of grievances.

4. Institutions and camps consider using a dorm Grievance Mediator (DeWitt Nelson Model) for conducting informal reviews.

5. CYA include a detailed analysis of grievances denied in informal review for the next evaluation of the ward grievance procedure.

Ward Grievance Committee Operations

The Ward Grievance Committee Operations were rated positively by survey respondents. It is recommended that:

1. CYA commend ward and staff committee members for their excellent performance.

2. CYA continue its program for training committee members, with added emphasis on the training of ward members.

3. Future evaluations of the ward grievance procedure attempt to identify any relationship between features of grievance committee operations (e.g. composition, selection of members) and grievance resolution outcomes (e.g. number of denials).

Outside Review by Arbitrators

Parties going to outside review are not briefed consistently regarding the arbitration process. Thus, it is recommended that:

1. Each institution should fulfill the responsibility of briefing parties about to go to outside arbitration. The involved parties should be apprised of the role of the arbitrator, hear a description of the hearing process, and review the case since the grievance was filed initially.

Emergency Grievances

It is not clear how emergency grievances are denied. Therefore, it is recommended that:

1. CYA perform a follow-up study of emergency grievances which are denied. During monitoring visits, grievances may be reviewed to determine if denied emergency filings are handled in accordance with the prescribed procedures. It would be helpful to know the difference between "emergency denied", "emergency withdrawn", and "emergency denied; refiled as a regular grievance".

Training Effectiveness

Training is the panacea noted for nearly all WGP shortcomings. Therefore, it is recommended that training be enhanced in the following areas:

1. Currently there is no evidence that institutions are providing new staff orientation regarding specific

implementation of the WGP. Given institutional variations, a brief orientation covering institution practices would be an asset to staff training.

2. Refresher training is made available to all CYA institution and camp staff. The requests for refresher training are not keeping pace with the annual requirement for all staff to complete the refresher. CYA could periodically remind institutions when the refresher is due. Quarterly notices to each institution would both remind and enable the staff to schedule training.

3. Include in the refresher training and WGP training for new staff and wards, a component on conflict resolution and mediation skills. Use role-playing from real examples to demonstrate the skills.

Ward Grievance Management Information System (MIS)

The MIS has tremendous potential as a management and assessment tool for CYA and individual institutions and camps. Although the data collection forms and procedures are in place, there are apparent refinement needs. The following recommendations are that:

1. The grievance coordinator from each institution and camp be responsible for reviewing the filing system for grievances and make appropriate changes to ensure its organization and maintenance is in accordance with accepted standards for office management. Each coordinator should submit to CYA a brief appraisal and propose a target date for completing tasks related to upgrading.

2. The coordinator or a representative from CYA provide specialized training to master the procedures for entering information in grievance logs and maintaining the logs. This should be an ongoing spot-check and training (1) to minimize errors from staff or clerk turnover, and (2) to remind individuals of key items (i.e., dates) which should be entered.

3. Ward Rights Services Section staff consider reviewing grievance forms currently used (with the cooperation of institutional staff), to develop forms and procedures which serve the interests of CYA and the institutional management, staff, and wards.

4. CYA review the reporting requirements and practices for the monthly monitoring reports and specify day-to-day operational information needs. After a needs assessment, possibilities for generating these informational needs accurately and reliably from the data sources should be addressed very specifically.

Parolee Grievance Procedure

Parolees and their parole officers are not well-informed about the PGP. It is recommended that:

1. CYA address the parole grievance procedure in staff training.

2. CYA develop a grievance procedure orientation for parolees.

Compliance with WGP Provisions

The WGP compliance measure is a requirement of each evaluaton study. Thus it is recommended that:

1. CYA use the EMT survey for WGP compliance as a baseline for future assessments. The instrument used for 1983 may be modified slightly or used as is. CYA would be able to measure change over time and to identify where ward and staff ratings are radically different, widening, closing, or similar.

These recommendations represent a comprehensive collection of data and innovative ideas. They are based on findings from the 1983 evaluation survey and from input provided by survey respondents, CYA officials, and other consultants. The recommendations are presented for CYA consideration.